

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI

Jason M. Potter 1053284 )  
(full name) (Register No.) )

**19-0084-CV-W-FJG-P**

Plaintiff(s).

Case No. \_\_\_\_\_

v.

Jeff Weber, et al. )  
(Full name) )

Defendants are sued in their (check one):

☐ Individual Capacity

☐ Official Capacity

☒ Both

Defendant(s).

**COMPLAINT UNDER THE CIVIL RIGHTS ACT OF 42 U.S.C. § 1983**

I. Place of present confinement of plaintiff(s): W.B.D.C.C.  
3401 Faraon Street, St. Joseph, MO. 64506

II. Parties to this civil action:  
Please give your commitment name and any another name(s) you have used while incarcerated.

A. Plaintiff Jason M. Potter Register No. 1053284  
Address W.B.D.C.C. 3401 Faraon Street  
St. Joseph, MO. 64506

B. Defendant Jeff Weber, et al.  
Is employed as Sheriff of Cass County

For additional plaintiffs or defendants, provide above information in same format on a separate page.

- III. Do your claims involve medical treatment? Yes X No \_\_\_\_\_
- IV. Do you request a jury trial? Yes X No \_\_\_\_\_
- V. Do you request money damages? Yes X No \_\_\_\_\_
- State the amount claimed? \$ 990,000 (actual/punitive)

VI. Are the wrongs alleged in your complaint continuing to occur? Yes X No \_\_\_\_\_

VII. Grievance procedures:

A. Does your institution have an administrative or grievance procedure?

Yes X No \_\_\_\_\_

B. Have the claims in this case been presented through an administrative or grievance procedure within the institution?

Yes X No \_\_\_\_\_

C. If a grievance was filed, state the date your claims were presented, how they were presented, and the result of that procedure. (Attach a copy of the final result.)

Attached are paragraphs 170-187  
Attached are Exhibits B, Q, BB, II, JJ, KK, LL, MM, NN  
see Exhibit BB paragraphs 9-11

D. If you have not filed a grievance, state the reasons.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

VIII. Previous civil actions:

A. Have you begun other cases in state or federal courts dealing with the same facts involved in this case?

Yes X No \_\_\_\_\_

B. Have you begun other cases in state or federal courts relating to the conditions of or treatment while incarcerated?

Yes \_\_\_\_\_ No X

C. If your answer is "Yes," to either of the above questions, provide the following information for each case.

(1) Style: \_\_\_\_\_  
(Plaintiff) (Defendant)

(2) Date filed: \_\_\_\_\_

- (3) Court where filed: Cass County Circuit Court
- (4) Case Number and citation: 18 CA-CC00145
- (5) Basic claim made: Form 40
- (6) Date of disposition: \_\_\_\_\_
- (7) Disposition: Pending  
(Pending) (on appeal) (resolved)
- (8) If resolved, state whether for: \_\_\_\_\_  
(Plaintiff or Defendant)

For additional cases, provide the above information in the same format on a separate page.

IX. Statement of claim:

- A. State here as briefly as possible the facts of your claim. Describe how each named defendant is involved. Include the names of other persons involved, dates and places. Describe specifically the injuries incurred. Do not give legal arguments or cite cases or statutes. You may do that in Item "B" below. If you allege related claims, number and set forth each claim in a separate paragraph. Use as much space as you need to state the facts. Attach extra sheets, if necessary. Unrelated separate claims should be raised in a separate civil action.

Attached are paragraphs 14-169

Attached are Exhibits A-Z

Attached are Exhibits AA-00

- B. State briefly your legal theory or cite appropriate authority:

Attached are paragraphs 188-231

X. Relief: State briefly exactly what you want the court to do for you. Make no legal arguments.

Attached are paragraphs 232-247

XI. Counsel:

A. If someone other than a lawyer is assisting you in preparing this case, state the person's name. Nobody N/A

B. Have you made any effort to contact a private lawyer to determine if he or she would represent you in this civil action? Yes X No     

If your answer is "Yes," state the names(s) and address(es) of each lawyer contacted.

Gillian Wilcox Jessie Steffan  
3601 Main Street 906 Olive, Suit 1130  
KCMO 64111 St. Louis, Mo. 63101

C. Have you previously had a lawyer representing you in a civil action in this court? Yes      No X

If your answer is "Yes," state the name and address of the lawyer.

**I declare under penalty of perjury that the foregoing is true and correct.**

Executed (signed) this 25<sup>th</sup> day of January 2019.



Jeram Patten WADCC  
Signature(s) of Plaintiff(s) 3401 Farson Street  
St. Joseph, Mo. 64506  
Irene Elaine Ueligger  
Notary



# Preliminary Statement

This is a civil rights action filed by Jason M. Potter who was a pretrial detainee for approximately 816 days in the Cass County Jail located in Harrisonville, Missouri, for damages and injunctive relief under 42 USC 1983 alleging use of excessive force in violation of the Fourth Amendment to the United States Constitution. The Plaintiff alleges violations of Due Process under the Fifth and Fourteenth Amendments to the U.S. Constitution by illegally deducting money from pretrial detainees accounts before a plea of guilt or finding of guilt and then the Court order to be able to take that money violating B.S.M.O. 221.070 and RSMO 221.120 and amounting to wrongful appropriation of money, mismanagement for non compliance with federal, state, and local laws. Plaintiff further alleges right of access to the court violations, deprivation of the

court ordered Pro se Indigent supplies failure to fund and accord an adequate law library, preventing Plaintiff Potter from proceeding pro se in violation of Plaintiffs rights under the First, Fifth, Sixth, and Fourteenth Amendments to the U.S. Constitution. Plaintiff alleges that jail officials deny pretrial detainees legal calls while there under investigation of a crime and fail to provide pretrial detainees a private room to make private unmonitored legal calls, the public defenders office telephones are blocked from inmates calling them, this prevents pretrial detainees from trying to get an attorney when there under investigation of a crime or charged with a crime violating Missouri Revised Statutes 544.170 and 600.048 and the right to counsel under the Sixth Amendment to the United States Constitution. This also breaks rules of the attorney-client privilege issues with talking in public setting. Plaintiff Potter and numerous pretrial detainees who have been incarcerated for long periods of

time are denied outdoor exercise in fresh air, no access to an indoor gym, denied outdoor recreation, there is no adequate space for exercise, no sunlight, the windows are painted over, No TV, No Newspaper, or outside source of news, pretrial detainees are locked down 18-23 hours a day, jail conditions add up to create an overall effect that is unconstitutional and unhealthy to Plaintiffs physical and mental health, further these jail conditions amount to punishment for pretrial detainees who have not been found guilty, these jail conditions often effect guilty pleas that are coerced; pretrial detainees are often forced to plea guilty to get out of these jail conditions in violation of Plaintiffs due process under the Fifth and Fourteenth Amendments to the U.S. Constitution. Plaintiff further alleges the jail administration illegally put a hold on Plaintiffs mail without providing any due process and notifications.



deprivation of personal property such as law books, legal material, hygienic items, etc., without following proper procedures or any due process hearings.

Plaintiff alleges violations of the Equal Protection Clause under the Fourteenth Amendment to the U.S. Constitution. Plaintiff experienced many forms of retaliation by the defendants.

Lastly but not limited to, on top of all the overly restrictive conditions the defendants tried all forms of ways to block the preparation and filing of this Civil Rights Complaint all in an attempt to stop the public and courts from learning about prisoner issues and complaints.

## JURISDICTION AND VENUE

1. This is a civil action authorized by 42 USC Section 1983 to redress the deprivation, under color of state law, of rights secured by the Constitution of the United States. The court has jurisdiction under 28 USC Section 1331 and 1343(a)(3). The court has supplemental jurisdiction over plaintiff's state law claims under 28 U.S.C. Section 1367. Plaintiff Jason M. Potter seeks declaratory relief pursuant to 28 USC Section 2201 and 2202. Plaintiff Potters claims for injunctive relief are authorized by 28 U.S.C. Section 2283 and 2284 and Rule 65 of the Federal Rules of Civil Procedure.

2. The Western District of Missouri is an appropriate venue under 28 USC Section 1391(b)(2) because it is where the events giving rise to this claim occurred.

## PLAINTIFF

3. Plaintiff Jason M. Potter was at all times mentioned herein a inmate pretrial detainee of the Cass County Jail or under arrest and control by a officer of the Cass County Sheriffs Office located at 2501 West Mechanic St., Harrisonville, Mo. 64701. He is now confined in custody of the Missouri Department of Corrections located at Western Reception Diagnostics And Correctional Center 3401 Faraon Street, St. Joseph, Missouri, 64506

4(a) Defendant Jeff Weber is the Sheriff of Cass County. He is legally responsible for the operation of the Cass County Sheriffs Office and Cass County jail, located at 2501 West Mechanic Street, Harrisonville, MO. 64701. He is legally responsible for the welfare of all the inmates of that jail.

4(b) Defendant Dwight Diehl was the Sheriff of Cass County. He was legally responsible for the operation of the Cass County Sheriffs Office and Cass County jail located in Harrisonville Missouri. He was legally responsible for the welfare of all the inmates of that jail during the years 2015 and 2016 mentioned in this complaint.

5(a) Defendant K. Nevilles badge number 627 is the jail lieutenant and Division Commander of the Cass County jail. He is legally responsible for



the operation and administration of the Cass County Jail located in Harrisonville Missouri. He is legally responsible for the welfare of the inmates of that jail. At all times mentioned in this complaint, he held the rank as Lieutenant Division Commander and was assigned to the Cass County Jail.

5.(b) Defendant Dave Rodgers is the lieutenant of the Cass County Sheriffs Office located in Harrisonville, Missouri. At all times mentioned in this complaint he held the rank as Lieutenant.

6.(a) Defendant S. Burgess badge number 662 is a sergeant of the Cass County Jail who at all times mentioned in this complaint, held the rank as jail sergeant and was assigned to the Cass County jail located in Harrisonville Missouri.



6(b) Defendant Justin Claibourn is the Sergeant of the Cass County Sheriffs Office who, at all times mentioned in this complaint, held the rank as Sergeant and was assigned to the Cass County Sheriffs Office and Cass County Jail, located in Harrisonville Missouri.

6(c) Defendant Jennifer Wise is a Sergeant of the Cass County Jail who at all times mentioned in this complaint held both the rank as Corporal and Sergeant and was assigned to the Cass County Jail located in Harrisonville Missouri.

7. Defendant Jason Heffernan is a Corporal of the Cass County Jail who, at all times mentioned in this complaint held the rank of Corporal and was assigned to the Cass County Jail located in Harrisonville, Missouri.

8(a) Defendant Stacy Gunn is a deputy of the Cass County Jail who at all times mentioned in this complaint held the rank of deputy and was assigned to the Cass County Jail located at 2501 West Mechanic Street, Harrisonville, Missouri, 64701.

8(b) Defendant T. Monhollen badge number 562 is a deputy of the Cass County Jail who at all times mentioned in this complaint held the rank of deputy and was assigned to the Cass County Jail located in Harrisonville, Missouri.

9. Defendant Stephen Valentich is a K9 unit Deputy who, at all times mentioned in this complaint held the rank of K9 Unit Deputy and was assigned to the Cass County Sheriff's Office located in Harrisonville Missouri.

10. Defendant Hendricks badge number 677 is a deputy of the Cass County Jail who at all times mentioned in this complaint held the rank of deputy and was assigned to the Cass County Jail located in Harrisonville Missouri.

11 (a) Defendant Kim Otter is a nurse medical supervisor who is legally responsible to provide adequate medical care to inmates that are in custody of the Cass County Jail, who at all times mentioned in this complaint held the rank as medical supervisor and was assigned to the Cass County Sheriffs Office and Cass County Jail located in Harrisonville Missouri.

11. (b) Defendant Advanced Correctional Healthcare is responsible to ~~provide~~ provide adequate medical healthcare to pretrial detainees in the Cass County jail. Defendant Advanced Correctional Healthcare is the employer of the contracted



medical personnel of the Cass County Jail and is responsible for the hiring, training, supervising, control, and disposition of its medical employees. Defendant Advanced Correctional Healthcare is located at 3922 W. Barring Trace Ste 2, Peoria, Illinois, 61615.

12. Defendant County of Cass is responsible for the policies, practices, and customs of its Sheriff's Department as well as the hiring, training, supervising, control, and disposition of its Sheriffs, jailers, deputys, and contracted medical employees. County of Cass is and was at all times mentioned in this complaint the employer of all police personnel named herein as well as the contracted medical staff and Advanced Correctional Healthcare. Defendant County of Cass is also responsible for the operation, practice and totality of condition of its jail facility.

13. Each defendant is sued individually and in his or her official capacity. At all times mentioned in this complaint each defendant acted under the color of state law.

# FACTS

14.

Plaintiff Jason M. Potter is a pretrial detainee at the Cass County Jail awaiting for a jury trial in a criminal case that at the time of writing this complaint the jury trial is scheduled for Feb. 23, 2017. On Dec. 20<sup>th</sup> 2016 Jason Potter waived counsel to proceed Pro se, See Exhibit R in support of this complaint. On Dec. 20<sup>th</sup> it was logged into jail notes that Plaintiff Potter is representing himself pro se, so jail officials will be aware of the much more fundamental right and need of the "right of access to the courts". On Nov. 3<sup>rd</sup> 2016, Nov 10<sup>th</sup> 2016, and Dec. 20<sup>th</sup> 2016, Mr. Potter requested the court to appoint both private counsel and in the alternative standby counsel, the court denied this request.

15.

Mr. Potter has been prevented from working on his criminal cases as well as his complaint under the civil rights Act of 42 U.S.C. 1983. this has caused delays and actual injury preventing Mr. Potter from

being able to assert nonfrivolous claims, file motions with the courts, meet filing deadlines, causing impairment on legal claims, and most important the possibility of Mr. Potter's legal claims being dismissed because of the "statute of limitations" which sets a deadline for how long you can wait after the events occurred. Mr. Potter was also prevented from filing a writ of habeas corpus.

16. Two Cass County judges have ordered Plaintiff Jason Potter is to have access to the law library and further that he is declared Indigent so that Mr. Potter may be able to prepare for a jury trial on two different criminal cases. Those two judges are J. Michael Rumley and Stacey Lett. In 2015 and several times in 2016 both judges order access to the law library. See Exhibit C and D in support of this complaint. See also Exhibit O for filing deadlines. Exhibit R shows Mr. Potter is self represented and filing pro se



17.

Jail records will indicate after Mr. Potter correctly used request forms and asked verbally to use the law library, log in records will indicate the defendants Sgt. S. Burgess, Stacey Gunn, T. Monhollen, J. Heffernan, and K. Nevilles did not allow Mr. Potter access to the law library between July 2015 - December 2016. Mr. Potter was also denied access between Feb. 15, 2017 to February 15, 2018. Mr. Potter was incarcerated 816 days in the Cass County jail. Relevant pages of Mr. Potters letter of incarceration are attached as Exhibit M. Exhibits C, D, R, and V is evidence to clearly show its going against two judges orders to prevent Mr. Potter from access to the courts and law library. See also Exhibit MM

18.

On or about July 2016 the law library program expired and would not be accessible until jail officials relicense the software. From Mr. Potters information and belief the program was called Lexis. Sgt. Wise and other jail officials made note of the expiration issue and told Mr. Potter it cost thousands of dollars to relicense the program. Because of the failure to fund an adequate law library, there is



a huge gap of time Mr. Potter did not get access to the law library whatsoever. Mr. Potter was denied any alternative means of legal research in the limited amount of time Mr. Potter has to meet filing deadlines. Defendants Jeff Weber, Dwight Diehl, County of Cass, K. Nevilles, Justin Claibourn, and Sgt. S. Burgess are responsible to assure an adequate law library is funded, and that Mr. Potter has rights of access to the courts that are not overly restrictive. Attached are Exhibits C, D, R, O, MM

19. Plaintiff Potter noticed in Dec. 2016 when he finally got to use the inadequate law library, it was running very slowly and would malfunction by kicking him out of his legal research, it also appeared as if a free trial run Fast Case App. was downloaded an attempt to save the county money.

20. Honorable Judge Stacey Lett and Judge M. Rumley did not put any time restrictions for case numbers 15CA CR00638 and 15CA CR00638-01 when it was in there court rooms from July 2015 throughout Feb. 5, 2018, Relevant pages are attached as Exhibit C.

21. On August 18, 2016 Judge Rumley ordered more law library time and indigent package for case 16CA-CR00007 with two hours per week. Relevant pages are attached as Exhibit D

22. ~~Between~~ Between December 2016 through February 14, 2017 Mr. Potter rarely got access to the law library and was denied any alternative means of legal research in the limited amount of time Mr. Potter has to prepare for a jury trial and meet filing deadlines pro se. Attached are Exhibits O, R, and V in support of these factual allegations. Mr. Potter made it known to all jail officials and to the defendants Jeff Weber, K. Nevilles, Sgt. S. Burgess, Stacy Gunn, T. Monhollen, and J. Heffernan that he is trying to file a law suit on Deputy Stephen Valentich K9 unit for excessive force, access to the court violations, and for not letting inmates make legal calls. Those defendants prevented Mr. Potter from trying to file his civil rights complaint. Mr. Potter informed

the defendants that someone is also falsifying the Inmate Activity List that often it is falsely logged into jail notes that Plaintiff Potter got to use access to the law library but it is untrue do to fact the law library was inaccessible or not running properly, that often jail officials log into the jail notes that Mr. Potter gained access before they even find out first if the computer is running properly. On Christmas day Dec. 25, 2016 Mr. Potter and Sgt. Wise tried to gain access to the computer law library, but Mr. Potter and Sgt. Wise could not get the program to run properly, it is wrote falsely in jail notes and the Inmate Activity List that on 12-25-16 that Mr. Potter was given 96 minutes Mr. Potter would like video camera footage to show the fact he was not in the law library that long and the fact Sgt. Wise could not get the computer accessed. Attached are Exhibits MM the inmate Activity list log. This list will also show numerous malfunctions with the computer, for many months.



23. The excuses Mr. Potter hears from jail officials regarding him not being able to use the law library are:

- a.) It is too costly to relicense the old program that expired
- b.) The law library is unsecure and hooked to the internet, so due to the fact it is hooked to the internet it is not safe for the security of the institution.
- c.) they are having problems getting anything to come up even after resetting it
- d.) flaw with the website application "Fast Case"
- e.) Staff do not have the password
- f.) Fastcase is not running properly
- g.) They're too busy and short on staff

24. On or about November 3<sup>rd</sup> 2016 to 2-28-17 and numerous other court hearings Mr. Potter made verbal complaints in open court about an inadequate law library, how there is no real law books, how there is no Missouri Constitutions, pretrial motions, templates, forms, no printer, no habeas corpus forms no information on suppression hearings and the fact inmates are denied to make legal calls. The judge Stacey Lett informed Mr. Potter he could exercise his rights and use the grievance system. Mr. Potter also wrote many letters to the Judge Stacey Lett about an inadequate law library. See Exhibit HH

25. On January 17<sup>th</sup>, 2017 Deputy Marcum told Mr. Potter that the judge wanted to know if the law library was running and if it worked. Deputy Marcum and Mr. Potter met each other in the law library and tried to get any relevant search topics in the search engine query to come up. It should be

noted in log records that again the law library was not accessible. Deputy marcum informed Mr. Potter he would let the judge know of this reoccurring issue. Relevant pages of log in records are attached as Exhibit MM the inmate activity list. This list also shows many other failed attempts to gain access to law library because of computer malfunction.

26. On Jan. 21, 2017 Corporal Wise met Mr. Potter in the law library. Corporal Wise and Plaintiff Jason Potter were unable to gain access to the law library, there was no password and the page looked like it needed refreshed. Deputy Hendrix said over the loud speaker he would make note in the inmate activity list and get the computer technician to fix the issue. From Mr. Potters information and belief the defendant Justin Claibourn of the Cass County Sheriffs Office is who jail officials refer to as a computer technician. Defendant Sgt. Justin Claibourn is legally responsible to assure access and operation of the law library. Jail officials would not complain to FastCase Customer support because the



defendants Jeff Weber, Dwight Diehl, K. Nevilles, Sgt. Justin Claibourn, Cass County Sgt. S. Burgess never paid for the Fast Case Application. It was a free trial run an attempt to save the county or sheriffs office money. Attached are Exhibits F, G, and H to show the fact it cost money to access forms, documents, etc. This also shows a customer support that evidently was not called because of the refusal to fund an adequate law library. Logic would dictate the defendants Jeff Weber, Dwight Diehl K. Nevilles, Sgt. Justin Claibourn, Sgt. S. Burgess, and Jason Heffernan would be responsible to make sure the law library is funded. From Mr. Potter's belief also the County of Cass would be responsible to see the Cass County jail has placed proper funding for an adequate law library. Attached is Exhibit MM the inmate activity list, notice false log on elapsed minutes for Jan. 21, 2017. of 15 minutes. It also says Law Library attempt not working. There is no way Mr. Potter used gainfull access for 15 minutes for a program that did not run at all.

27. On Jan. 15, 2017 Mr. Potter request to use the law library, jail officials said they were having problems getting anything to come up. Deputy Cornforth said he even tried to reset it. The deputy said if there are any more problems to notify him and he will log it in the records. Log records should indicate the computer technician was requested to fix the problem numerous times

28. On Dec. 25, 2016 it is logged into the notes Mr. Potter got to use the law library but this is untrue do to fact the law library could not be accessible or run properly. Staff have logged into notes that Mr. Potter used the law library before they even find out first if its running properly.

29. On Feb. 9, 2017 Deputy Rew informed Mr. Potter he could use the law library. After Deputy Rew inspected the Fast Case App to see if it was secure and running properly



nothing would work or type in the search engine. Deputy Rew reset the computer five times to see if it would fix the problem, but all attempts failed. Deputy Rew made note of it and said he would put in a work order. See Exhibit MM

30. Plaintiff Potter has had very limited amount of time to access the law library through no fault of his own. The limited amount of time Mr. Potter was able to access it, there were numerous times he was kicked off from malfunctions and a very irritating pop-up window would pop up causing disturbances. The pop up window kept informing the Fast Case Application user that the Fast Case Application needed renewed and purchased as if a free trial run subscription was downloaded an attempt to save the county or Sheriffs office money so that the Sheriffs office staff would not have to purchase and relicense the old working software program.

31. Defendants Jeff Weber, Dwight Diehl, County of Cass, Lt. K. Nevilles, Justin Claibourn Sgt. S. Burgess, failure to fund an adequate law library between July 2015 through Feb. 2018 during the 816 days Mr. Potter was incarcerated in Cass County jail with the fact Mr. Potter was denied all alternative means of legal research all an attempt to save the county and Sheriffs office money, has stopped Plaintiff Potter from working on and file his lawsuit under the civil rights act of 42 USC 1983. Mr. Potter has been ~~working~~ prevented from preparing his defense for a jury trial causing delays and unwanted continuances, missed filing deadlines for suppression hearing, prevented Mr. Potter from appeal his writ of prohibition to the MO. Supreme Court and to be able to format it right, prevented from filing a state habeas corpus, always denied the pro se indigent supplies, prevented from acting pro se, causing injury to both criminal and civil rights complaint. Attached are Exhibits R to show Mr. Potter is pro se, Exhibit O the judges order for filing deadlines on motions. Also attached are Exhibits C D M M N N

32. Plaintiff Potter has filed many request forms and grievances and asked jail officials to help with alternative proposals to meet the need of legal services. Those alternative proposals that got denied are:

a.) The request for law books, Missouri Constitution, Self Help Litigation Handbook, (See Exhibits mm)

b.) Copys of legal material off Fast Case or the Internet

c.) Request for legal calls got denied to try and get an attorney, to meet with that attorney, and get advise. See Exhibit E and CC

d.) Pretrial motion forms, subpoena forms, habeas corpus forms, with any rules or handbooks for those forms to seek the benefit of Rule 91 or other motions

e.) pro se indigent supplies, that policy dictates in Exhibit A article 5 Sec. 6(6) (See Exhibit NN)



33. When Mr. Potter request legal forms, legal documents, and templates he is told to get them from the law library or clerk of the court. The fact is the court clerk either denies these forms or most the time does not respond back. The defendants listed in this complaint have not provided the funds to access legal forms and documents in the law library. In support of this claim and factual allegations see Exhibit F to show additional charges apply for accessing documents and legal forms. See Exhibit G to show the law library does not show these search options do to fact they have not ~~poss~~ purchased legal forms set out in Exhibit F.

34. The law library is not hooked to a printer preventing Mr. Potter from printing any legal material. or documents and caselaw. The defendants and all jail officials refuse to go online and print legal material. Because Mr. Potter

has had very little research time and not being able to print or copy, Mr. Potter is forced to use much more time hand writing all legal research, causing injury by putting limits on research time.

35. Plaintiff Potter used request forms and filed grievances numerous times asking for legal copys and pro se Indigent supplies because policy dictates in Exhibit A, Article 5 Sec. 6(6) in the inmate handbook how Indigent pro se inmates can request legal copys and legal material, these request and grievances always get denied or even ignored, without process. See Exhibits C, D, R and V, and NN to show its going against a two different judges orders to deny Mr. Potter Indigent supplies and the fact Mr. Potter is representing himself pro se without counsel and without Standby counsel. This denial has prevented Mr. Potter from access to the courts, these

denials of indigent supplies legal material, copys, and adequate law library have prevented Mr. Potter from fileing his civil Rights complaint of 42 USC 1983 and harming the statute of limitations Mr. Potter has on his legal claims. See Exhibit O

36. Jail Records will indicate Mr. Potter correctly used a request form when ~~that~~ Deputy T. Monhollen denied any extra pro se indigent supplies legal pad, copys, stamps, envelopes, etc. Deputy T Monhollen was made aware of the judges order and made aware numerous times which part of the handbook policy provide for pro se indigent inmates See Exhibit A Article 5 Sec. 6 Deputy T. Monhollen said he only has to give me two envelopes and four pieces of paper. Being denied additional pro se indigent supplies is clearly going against policy and prevents Mr. Potter from preparing for trial, unable to meet fileing deadlines ~~See Exhibit O~~ See Exhibit O as evidence



being denied proper indigent supplies and access to an adequate law library constraints on abilities to obtain evidence and difficulties monitoring progress of case. See also Exhibits NN

37. On March 7<sup>th</sup> 2016 Deputy Stacey Gunn and T. Monhollen put Mr. Potter in segregation. Both deputys made it very adamantly clear Mr. Potter will be denied access to the law library. Both deputys have used threats numerous times saying they will throw Mr. Potter in the hole so that he won't be able to use the law library. These threats, body language, tone of voice is done with evil motive and malice. See Exhibit K in support of this complaint. By not allowing Mr. Potter access to the law library while in segregation is going against a judge's order. Records will indicate that between March 7<sup>th</sup> 2016 - March 22, 2016 Mr. Potter was denied law library access. Mr. Potter was held longer in segregation than the time of punishment because the jail had overcrowded conditions with 3 inmates per cell, each cell is fit for two inmates.

38.

When Mr. Potter was released out of segregation, March of 2016, Potter was placed in an overcrowded cell occupied by 3 inmates, causing Mr. Potter to be forced to sleep on the floor, leaving no room to move around, but most of all left no room to be able to do legal work and write. The small desk usage would require any inmate to have to set their ass on the head of someone else's bed, which is an inmate rule out of respect that we don't set our buttock where someone lays their head to sleep. This overcrowded inhumane condition with no table or chairs put limitations and restrictions on access to the courts. Jail Records will show the jail was way over max capacity for several months. Records and testimony would show inmates are locked down about 17 hours or more a day and the day room is not a private place to do legal work without being disturbed.

39.

On February 15, 2017 Plaintiff Potter was informed that he is completely cut off from access to the law library.



Jail officials said because a paid attorney is working for Mr. Potter and entered their appearance on Feb. 14, 2017 that Mr. Potter gets No access at all to the law library. Again this would be going against two different judges orders who never told jail officials that he is to be banned from the law library. Judge Michael Rumley and Judge Stacey Lett never told jail officials to completely deny Mr. Potter law library access. This has prevented Mr. Potter from filing his Complaint Under the Civil Rights Act of 42 USC 1983, which can cause legal claims being dismissed because of statute of limitations. Mr. Potter was also denied any alternative means of legal research, and given no lawbooks for self help litigation. This would also prevent Mr. Potter from filing a Habeas Corpus and from preparing for a Preliminary Hearing in Judge Michael Rumley court.

40. Mr. Potter correctly used the grievance procedure on Feb. 15, 2017 to try and solve the problem of

being denied access to a law library or any alternative means of legal research, Mr. Potter received no response to the grievance. Mr. Potter sent two more grievances days apart from each other and still received no response. Relevant pages of grievance procedure policy are attached as Exhibit A Article 2 Sec. 5. Attached is Exhibit Q the declaration of the Pretrial Detainees. Mr. Potter has also submitted both verbal complaints and handwritten grievances about not getting answers or process to grievance complaints.

41.

Between the months of December 2016 and January 2017 the prosecutor Randa Morris sent Plaintiff Potter copies of his discovery including two videos on a CD taken from police dashcamera. Sgt. Burgess informed Mr. Potter that he can not have the CD videos, that a request form would need to be sent to K. Nevilles to watch the videos, and how Lt. Nevilles will hold onto that part of discovery.

42. Mr. Potter submitted request forms requesting the jail officials and defendant K. Nevilles to let Mr. Potter watch the discovery videos, these request forms got ignored. Defendant K. Nevilles and S. Burgess are well aware Mr. Potter was representing himself pro se and prove to show a deliberate indifference by failing to respond to Mr. Potter's "right of access to the courts" and fail to respond to request forms and grievances. Attached are exhibits C, D, R, and V as evidence Mr. Potter has a serious need for legal services because he is representing himself pro se. Exhibit O and V are clear orders by the judge on filing deadlines with other serious orders that Mr. Potter was prevented from pursuing. Preventing Mr. Potter from prepare for preliminary hearing, suppression hearing and for a jury trial.

43. Mr. Potter submitted grievances about needing to see the discovery videos



and to make colored legal copies to prepare for a jury trial in Judge Stacey Lett court and to prepare for a Preliminary Hearing in Judge Michael Rumley's court. Those grievances got ignored with no process.

44. On February 20, 2017, Plaintiff Potter wrote a 9 page grievance, submitting the grievance to the Cass County Sheriff, Jeff Weber. The 9 page grievance explained all issues that are in ~~this~~ this Civil Rights Complaint of 42 U.S.C. 1983. Mr. Potter used a sealed envelope addressed to Jeff Weber and even used correct postage stamps, so that it would be logged into mail records. Mr. Potter explained to Deputy Funk the importance of logging this grievance into the jail mail log records because of the fact grievances don't get answered. Deputy Funk said she would make sure it was logged into mail records.

45. On February 24, 2017 at 1:30 AM Mr. Potter spoke with Deputy Funk, Deputy Rew, and the Sergeant on duty via the loud speaker intercom system. Mr. Potter asked if it is in the records or notes that Plaintiff Potter is completely denied access to the law library. Deputy Funk replied Yes. Mr. Potter informed Deputy Funk and the Sgt. on duty how Judge Rumley and Judge Stacey Lett never gave any orders to completely ban Mr. Potter from the law library.

46. Mr. Potter told Deputy Funk, Deputy Rew, and the Sgt. on duty that when staff learned Mr. Potter was trying to file a law suit on jail officials and wrote grievances about medical illegally taking our money that staff are retaliating against Mr. Potter and preventing him from acting pro se in both civil and criminal cases. Mr. Potter asked why the denial? Deputy Rew and the Sergeant on duty looked into jail notes and said they are not allowed to tell as if its a secret to deny Mr. Potter the law library.

47. Approximately around November 2017 the jail had Turnkey Kiosk machines installed into the day room. Mr. Potter noticed a Justia law library program installed. All inmates could not access court rules case law, Missouri Constitutions, regulations, forms, Civil procedure and all other documents. Jail staff had a block on most the program and no internet access. Missouri Statutes were the only documents that were accessible.

48. The inadequate Justia Law library was placed in a public setting with many disturbances. Visitation is also on these two Kiosk machines along with other services such as email. If any inmate had a visit, email, or other need of service, Mr. Potter would be forced to surrender the Kiosk so that inmate could have his visit, check his email, etc. This creates no privacy.



49.

When kiosk machines were placed in the day room around November 2017 Mr. Potter was able to submit grievance complaints and most the time got answers to these complaints. Mr. Potter asked why all of a sudden grievances get answered now? The reply was because it leaves a digital imprint. Mr. Potter sent request and grievances asking jail officials to answer all handwritten grievances that were not given process from July 2015 to November 2017. These request were all denied.

50.

On November 8, 2017 Mr. Potter submitted a grievance using the kiosk but from Mr. Potter's information and belief this grievance was not processed. Two grievances were filed on Nov. 8, 2017. only one was given process that dealt with denial of legal calls.

51. Plaintiff Potter and many pretrial detainees are denied to make private unmonitored legal calls to there attorney. This has been an ongoing issue since December 2015. See Exhibits E and CC the declaration of many pretrial detainees. Mr. Potter will also have more declarations submitted in support of this claim and factual allegations.

52. Mr. Potters letter of incarceration issued by the Cass County Sheriffs Office will dictate that between the years 2015-2018, Mr Potter was incarcerated for 816 days. Throughout the duration of Mr. Potters incarceration, while the fact Mr. Potter is under the investigation of a crime, Mr. Potter was denied legal calls after he correctly used a request form requesting an unmonitored legal call. This would violate and breach policy. Relevant pages of policy are attached as Exhibit A Article 2 Section 3. that clearly state in the rules every Wednesday inmates will be allowed legal calls

53. Mr. Potter and many pretrial detainees have submitted request forms and grievances asking for legal calls but jail officials always deny these request and grievances and tell inmates they have to use the phones in the day room. Being forced to use the phones in the day room breaks the attorney-client privilege and confidentiality. Relevant pages are attached as Exhibit B, E, and CC

54. The only telephone access Mr. Potter and all pretrial detainees get by using the day room phones, are for collect calls that are around loud disruptive noise do to the fact the day room is also used as inmate recreation area. This public setting and the fact those phones are recorded and monitored breaks the attorney-client privilege. Our expectation of privacy has been violated. Relevant pages in support of these factual allegations are attached as Exhibits B, E, and CC.



55. Mr. Potter and the pretrial detainees are unable to call their public defenders because the Public Defenders Office is blocked calls preventing Mr. Potter and all pretrial detainees from calling their attorney. See Exhibits E and CC attached in support of these factual allegations.

56. Because Mr. Potter does not get legal calls that are private and unmonitored and the fact the phones are for collect calls that are very expensive and require an account to be set up, most law firms will not accept these collect calls. Most law firms have even told Mr. Potter they are not allowed to be talking to him on phones that are recorded, monitored, or in a public setting. This has prevented Mr. Potter from getting an attorney, meet with an attorney, get advise from an attorney, and request for an interview with attorneys. Relevant pages are attached as Exhibit B.

57. Between the years 2015-2018 that Mr. Potter set incarcerated for 816 days under investigation of 3 felony charges, Mr. Potter submitted numerous request forms to speak with a lawyer. Defendants Sgt. S. Burgess, Corporal J. Heffernan, Stacey Gunn, T. Monhollen, K. Nevilles and many other jail officials would deny legal calls. Mr. Potter made it clear to all jail officials he would like to speak with a private attorney and seek services from a attorney, that there is also a Conflict of Interest with the Public Defender System. These denials have also caused delays in Mr. Potter's cases.

58. While Mr. Potter was representing himself pro se in his criminal and civil cases, Mr. Potter asked Sgt. Burgess, T. Monhollen, Stacey Gunn, J. Heffernan, to make legal calls because he has no standby counsel or investigator and ~~and~~ needs to call expert witnesses, the jail officials denied these request.

59. Mr. Potter filed numerous grievances throughout the duration of his incarceration about legal call issues. On December 27, 2016 Mr. Potter asked Deputy Stacey Gunn if he is going to get answers back to these grievances. Deputy Stacey Gunn replied back "You better Not Do That Because her Corporal and Sergeant told her it will be ALL BAD" if Mr. Potter keeps pressing the issue about legal calls.

60. The only way Mr. Potter was finally able to make a legal call that still was not private, was by getting a judges order to make phone calls. Mr. Potter was forced to submit many complaints to the court to try and get a legal call. Relevant pages are attached as Exhibit V. Mr. Potter was only able to get the legal calls from February 1, 2017 through February 14, 2017. Mr. Potter was completely cut off from access to the phone calls on February 15, 2018



61. Mr. Potter's attorney Jessie Steffan bar number 64861 is misinformed by the Cass County rules or custom of not providing legal calls on Wednesdays. The fact is inmates are completely cut off from making legal calls. Attached is Exhibit B a letter from the ACLU attorney, who said she is not able to accept phone calls from the phone bank that are in a public setting. Attached also as Exhibit B is the correctly filed request form to request a legal call, that was denied and told Mr. Potter to use the phones in the block that are recorded and around loud inmates in the day room. Forcing Mr. Potter to use the block phones breaks rules of the attorney client privilege and policy in the inmate rule handbook. Attached is Exhibit A Article 2 Sec. 3. This denial of legal call has completely prevented Mr. Potter from talking to his attorney. Attached are also Exhibits E and CC

62. Mr. Potter has submitted request forms and grievance correctly by informing all jail and the defendants he does not want to waive the attorney client privilege and the fact Mr. Potter wants a private unmonitored legal call.

The defendants Jeff Weber, K. Nevilles, Sgt. S. Burgess, Jason Heffernan, Stacy Gunn, T. Monhollen always denied these request and grievances. Mr. Potter used the Turnkey Corrections Kiosk machines when he made it clear to the defendants he does not want to waive the attorney client privilege., and filed those grievances. Mr. Potter got a response to one of the grievances that said "why dont you just go ahead and file the lawsuit you keep saying your going to file". Attached are the Exhibits B, E, CC. Mr. Potter will attach the grievances and complaints and request forms when he is able to get discovery subpoenas from the Turnkey Correctional Kiosk, and jail master file. Not only does this violate policy in Article 2 Sec 3 attached as Exhibit A. Policy also says inmates will have unrestricted and confidential access to the courts.

63. On February 1, 2017 after Judge Stacey Lett made an order that Mr. Potter is to get legal call to prepare a defense. See Exhibit V. Mr. Potter was called to the intake booking desk to make the phone call were it is loud, disruptive, not private, not in a private room, and many inmates were coming back from court. There was alot of traffic in the area so Mr. Potter put one finger in his ear drum and his face in a standing huddle, as football players will do when going over plays to block out noise so that Mr. Potter can hear his conversation on the other end of the phone and also to block out noise so other inmates do not hear Mr. Potters private legal matters, as well as staff.

64. while Mr. Potter was placing the legal call in a standing huddle on Feb. 1, 2017 to block out noise, the defendant Deputy T. Monhollen very disrespectfully hung up Mr. Potters legal call and said Mr. Potter is trying to be sneaky. Mr. Potter



informed Deputy T. Monhollen that he is going against a judges order interfering with Mr. Potter's legal call and further anything Mr. Potter discuss on this legal call is none of his bussiness so even if Mr. Potter was trying to be sneaky or talk sneaky, Mr. Potter has a right to. known as "protected conduct".

65. Mr. Potter used the chain of command by speaking with Corporal J. Heffernan about Deputy T. Monhollens misconduct. Mr. Potter told Corporal Heffernan about the loud disturbances when using the booking telephone, how its not in private, and the fact Judge Lett order these legal calls to call witnesses, prepare for trial or even try and get an attorney. Corporal J. Heffernan did try and make it right by putting Mr. Potter back on the phone, but because of this, Mr. Potter dealt with retaliation the next day by Deputy T. Monhollen. On Feb 2, 2017 at about 4:00 PM, Deputy T Monhollen said "guess what Potter, I rejected two pieces of your mail."

66.

Because of the continuing problem of Deputy T. Monhollen and Stacey Gunn using forms of retaliation, Mr. Potter has had loved ones, family, and other government agencies use caution on what comes through the mail. The two envelopes Deputy T. Monhollen rejected were no threat to the safety and security of the jail. The contents were harmless and only paper, not tape. The way Deputy T. Monhollen announced the mail rejection, tone of voice, clearly was with evil motive to punish. Plaintiff Potter was not given a rejection of mail notice slip, and not given the opportunity to challenge censorship, or appeal this action for it was returned to sender same day. This would violate policy. Exhibit A Article 2 Sec. 6(23) dictates inmates are suppose to have an opportunity to appeal mail issue. Attached is Exhibit K, N, AA, and DD in support of these claims and factual allegations.

67.

On May 11<sup>th</sup>, 2017 Mr. Potter was arrested and booked into the Cass County jail upon a warrant issued for probation violation number one laws, and a new Felony charge was pending and still under investigation. Mr. Potter did not waive his Preliminary Hearing on probation violation number one laws. Mr. Potter informed the probation officers and the defendants Lt. K. Nevilles, Sgt Burgess #662, Corporal J. Heffernan, ~~and~~ Deputy Stacey Gunn and all other jail officials that Mr. Potter wants to speak with an attorney because he is under investigation of a crime and also under investigation of laws probation violation. These numerous request were denied, all jail officials told Mr. Potter inmates dont get legal calls to their attorneys. Policy dictates in Exhibit A Article 2 Sec. 3 that every Wednesday inmates will be allowed to make legal calls. This caused serious delays by preventing Mr. Potter from getting an attorney



68. From May 11 2017 to July 24, 2017 while Plaintiff Jason Potter set incarcerated under the investigation of a crime, Mr. Potter correctly followed the rules and procedure to request an unmonitored legal call and even told all jail officials in the request he does not want to waive his rights to the attorney client privilege. All request were denied. This caused delays in obtaining counsel and further because Mr. Potter had a preliminary hearing before he was able to consult with counsel, all information was used against Mr. Potter when the hearing officers submitted the paperwork to the court. The hearing officers told Mr. Potter they will talk to the detectives and the prosecutor and see I get charged with Felony domestic assault. Mr. Potter submitted an Exhibit at the preliminary hearing that was a declaration stating Mr. Potter would like to speak with an attorney and Mr. Potter is denied legal calls.

69. When Mr. Potter had court on June 12, 2017 evidence will show attached as Exhibit EE, that Mr. Potter was without counsel. Mr. Potter told the judge in open court how the jail staff refuse to let inmates make legal calls to try and get an attorney. Mr. Potter informed the court how he would like to seek his private counsel.

70. When Mr. Potter was back in court on June 26, 2017 without counsel another counsel status hearing was held on June 27, 2017. Mr. Potter informed the court on those dates and July 24, 2017 how he wished to seek private counsel and how there is a conflict of interest with the public defender system. Because the defendants and jail staff deny legal calls, Mr. Potter experienced long delays on trying to get an attorney and this caused Mr. Potter to set incarcerated longer. Relevant pages are attached as Exhibit M and EE

71. Mr. Potter was arrested on May 11<sup>th</sup>, 2017 and because the defendants refuse to let inmates make legal calls, it was not until July 27, 2017 that Mr. Potter was able to have his private counsel enter his appearance on two cases in two different court rooms. Over two months two weeks Mr. Potter set incarcerated and prevented from trying to get an attorney. Attached are Exhibits M and EE, of Mr. Potters letter of incarceration, and his attorneys Entry of Appearance.

72. Mr. Potter was served a new warrant on May 10, 2017 and also a new Felony Warrant approximately around June or July 2017. Relevant pages of Mr. Potters warrants are attached as Exhibit FF. When officers and jail officials served those two warrants and arrested Mr. Potter, logic would dictate the Miranda warnings apply to Mr. Potter because he was under the suspicion of a crime and has a right to try an get an attorney that is in a private setting and unmonitored by case of legal call. Mr. Potter informed



the defendants, all jail officials, the probation officers, and the court the need to make a legal call and the fact Mr. Potter has a scheduled Preliminary Hearing so needs to seek counsel and get advise from his private counsel. Mr. Potter was denied legal call and unable to get any advise from his attorney to be able to prepare for the scheduled preliminary hearing. All testimony and information was used against Mr. Potter when hearing officer submitted Mr. Potters testimony and report, violation report to the court. On June 14, 2017 and May 19, 2017 those reports were sent to the court and reviewed by the judge. Also new charges were filed in judge Michael Rumleys Court. Mr. Potter has attached Exhibits EE, B, E, and CC in support of this claim and factual allegations. Mr. Potter will also attach grievances and request forms he correctly filed in the Cass County jail to request an unmonitored legal call.

73.

Mr. Potter and many other inmates have filed numerous grievances about the legal call issues and even showed the defendants K. Nevilles #627, Sgt. S. Burgess #662, J. Heffernan #678, Jeff Weber, Stacey Gunn, and T. Monhollen #562 how the Missouri Statutes 544.170, 600.048 and policy Exhibit A Article 2 Sec. 3 creates a duty for every person in charge of a jail, to provide inmates private unmonitored legal calls so that they may consult with counsel. The defendants have clearly and deliberately breached the duty to let pretrial detainees consult with counsel violating policy, statutes, and the Sixth Amendment to the United States Constitution. Relevant declarations and statutes violated are attached as Exhibits B, E, and CC. Mr. Potter will also provide more declarations signed by the pretrial detainees between years 2017 and 2018. Mr. Potter will also submit grievances

74. Plaintiff Potter and all pretrial detainees should not have to wait months to try and get a judges order to place a legal call. Often it is to late and the damages are done. Even more so is the fact the calls we get by a judges order is not in a private room. The booking telephone are around a public setting, around officers and inmates which still breaks attorney-client privilege and confidentiality. See Exhibit GG

75. Between July 2015 - November 2015 pretrial detainees could make legal calls every Wednesday in a private room. After Thanksgiving of November 2015 from Mr. Potters information and belief the Cass County Sheriffs Office got a new phone system, and because of the new phone system all pretrial detainees suffered and were denied legal calls, through no fault of our own.



76. Mr. Potter made numerous complaints verbally in open court and by letter to Judge Michael Rumley and Judge Stacey Lett. The complaints were about the fact jail officials denying Mr. Potter his fundamental right to access to the courts. Relevant pages of these complaints are attached as Exhibit HH, (see front and back of first page of this exhibit)

77. On November 5, 2016 at approximately 7:30 AM early morning, Deputy Stacey Gunn awoke Plaintiff Jason Potter and his cell mate Daniel Rumbo. Deputy Stacey Gunn informed both Potter and Daniel Rumbo that she is doing a cell inspection for any unauthorized items that jail officials may have given to Potter. Mr. Potter said "the jail staff have already approved all incoming mail and books. Stacey Gunn replied back "well we are just going to make sure". The New Deputy Hamby and corporal J. Heffernan assisted Stacey Gunn on searching the cell.

78. Mr. Potter told both Corporal J. Heffernan and Deputy Stacey Gunn that all mail and books are approved by jail officials and further Lt. K. Nevilles has a hold on all Plaintiff Potters incoming mail so the administration has already approved all items.

79. When Mr. Potter informed corporal J. Heffernan that Stacey Gunn was throwing away important costly legal books, religious booklets, and address booklet, Corporal J. Heffernan moved Mr. Potter and Daniel Rumbo about 20 feet farther away from the cell so that Mr. Potter and Daniel Rumbo could not see what Stacey Gunn and Deputy Hamby was taking from the cell. Plaintiff Potter and Daniel Rumbo again told Corporal J. Heffernan that Stacey Gunn is tossing over the rail our personal belongings that have important addresses, and the cell is being tossed around leaving all our legal material, legal discovery, and personal belongings in a disarray or chaos. The Corporal J. Heffernan said to

"just let her do what she does because you know you cant win with her."

80. Mr. Potters cell that was searched left in a disarray chaos, and the fact many costly important personal property items were taken without an inventory report done by any of the officers, and without a due process hearing violates policy.

Relevant pages of policy are attached as Exhibit A Article 6 Sec. 2(4)

Corporal J. Heffernan witnessed Deputy Stacey Gunns illegal misconduct, was informed of the law books that were being thrown away, went along with it, and failed to correct the illegal misconduct by encouraging the continuation of Stacey Gunns behavior.

81. After the cell was searched on 11-5-2016 and very disrespectfully left in a disarray many of Mr. Potters and Daniel Rumbos personal property items were thrown over the top rail onto the floor. The inmate worker trustees were given the job to



pick up all items off the floor and place the items in a big moveable blue toat. Mr. Potter, Mr. Rumbo, and other inmates witnessed the inmate worker trustees rummage through Mr. Potters personal property and the trustees left off with the large blue toat. Many inmates witnessed the trustees wearing socks and thermals that came out of Plaintiff Potters cell.

82. Plaintiff Potter had important address and private information that should have never fell in an inmate workers hands. Many of Mr. Potters and Daniel Rumbos personal property were given to the inmate workers. The specific items included two law books "Bill of Rights and the Constitutional Amendments", "Cohen and Olsons Legal Research in a Nutshell". Two booklets published by "Our daily Bread". Many items of clothing were also thrown over the rail to the trustees such as socks, thermals, t-shirts. Pens purchased from canteen or "idigent package were thrown away.

Mr. Potter's law dictionary was torn in half and half the dictionary was thrown away over the rail.

Attached is Exhibit II as evidence Defendant Stacy Gunn wrote an incident report and she admits she removed mass amounts of personal property and books from Plaintiff Potter's cell and the fact they were disposed of without an inventory report or due process. The personal property was given to the inmate trustees and lawbooks were thrown away without a due process hearing. By throwing away lawbooks without an inventory report this violated policy in the inmate rule handbook. Relevant pages of policy are attached as Exhibit A Article 6 Sec. 2(4). Defendants Stacy Gunn and Jason Heffernan acted very reckless with deliberate indifference they were made aware of the lawbooks and personal property being thrown away. Mr. Potter was punished for having these items of personal property that other jail officials approved through mail or gave to Mr. Potter.

Attached also to Exhibit I is the violation report to show the defendants Stacy Gunn intentions are to punish. Both Potter and Daniel Rumbo requested a hearing on the violation but was denied the hearing or ignored. Plaintiff Potters and Daniel Rumbos personal property was given to other inmates, one inmates name was Kidwell. Attached is also Exhibit K. Evidence and jail records show the fact that Deputy Stacy Gunn and Jason Heffernan who always work together the same shift were the only officers to write conduct violations on Plaintiff Potter. No other shifts would write violations on Mr. Potter the whole 816 days Mr. Potter sit incarcerated. This is clear evidence of the retaliation Mr. Potter experienced, and the defendants Stacy Gunn, Jason Heffernan, and S. Burgess adverse actions are directly related to Mr. Potters protected conduct.



83. Mr. Potter and Daniel Rumbo noticed their personal belongings were very disrespected so much that a law dictionary was tore in half. Mr. Potter was never able to find the other half of that dictionary. Mr. Potters and Daniel Rumbos legal material were cluttered together as well as there bed roll materials all mixed together.

84. When Deputy Stacey Gunn and Corporal J. Heffernan took and threw away Plaintiff Potters two legal books that were already approved through incoming mail by other jail officials, this was a form of retaliation for using the grievance system, and to try and file a law suit. The defendants also knew Mr. Potter was trying to write the A.C.L.U, Fox 4 Problem Solvers, and the Kansas City Star, that all inmates signed that was intercepted by Sgt. S. Burgess and prevented from going out. In support of ~~these allegations~~ this complaint and factual allegations

attached are Exhibits K  
a declaration signed by many pretrial  
detainees.

85. when Deputy Stacey Gunn and  
Corporal J. Heffernan unlawfully  
deprived Plaintiff Potter of his two  
legal law books on Nov. 5, 2016  
without a due process hearing  
like policy dictates in Exhibit A  
Article 6 Sec. 2 (4) these actions  
caused delays on asserting Mr. Potters  
legal claims, caused impairment  
of legal claims, caused Mr. Potter  
to miss filing deadlines, prevented  
Mr. Potter from acting prose, would  
cause Mr. Potter to not be able to  
prepare for a trial and have a fair  
hearing, and was done in bad faith  
to prevent Mr. Potter from filing  
his habeas corpus and his  
civil rights complaint under the  
Civil Rights Act 42 USC. 1983. In  
support of these factual allegations  
attached are Exhibit O, Exhibit II  
front and back pages to show its a  
judges order to have all motions filed  
no later than 7 days before trial. Attached

are also Exhibit R that shows Mr. Potter is Pro se.

86. With the fact Mr. Potter was not accorded an adequate law library, and no self help litigation books, Mr. Potter had a much needed use for the two law books that were deprived. It left Mr. Potter with no law books whatsoever and the fact his writing pens were taken didn't help.

87. Both Daniel Rumbo and Plaintiff Potter spoke with the inmate workers that were allowed to rummage and keep what they wanted of the personal property. Rumbo asked trustee Kidwell if we could get our clothes back because its cold and the fact, that trustee was wearing Mr. Rumbos socks and thermals. The inmate worker said for a bag of Keefee Coffee he would make sure we get most our clothes back. Mr. Potter will use the testimony of Daniel Rumbo other jail officials and hopes of camera footage in D-00d 11-5-2016.



88. During the unlawful search of Mr. Potters cell on 11-5-2016 Deputy Stacey Gunn threw away two religious booklets by Our daily bread ministries without any due process or inventory report. All jail officials know it is traditional and habit before lockdown we read the daily reading, we pray as a group together, and this keeps unity and peace and we all pray we will humble ourselves and get along. This was a form of retaliation by Deputy Stacey Gunn when she deprived and threw it away. Exhibit P is also attached as evidence the Daily Bread gets rejected through incoming mail without any due process by Deputy Stacey Gunn. All other jail officials have always approved this booklet. Attached is also Exhibit K

89. Plaintiff Jason Potter in October 2016 had inmate pretrial detainees sign declarations that would go to the A.C.L.U., Fox 4 Problem Solvers, and the Kansas City Star, regarding the issue of inmates not being able

to make private unmonitored legal calls. An inmate by the name of Timothy Kidd asked if he could sign the declaration, but instead of him signing it he turned the declaration into jail officials to get favors and preferential treatment he does not qualify for. Attached is Exhibit J a declaration signed by Mr. Potter and the pretrial detainees.

90. The declarations that were prevented from going out October of 2016 that inmate Timothy Kidd #535629 gave to Sgt. Burgess and Lt. K. Nevilles in exchange for favors he does not qualify for. Those favors include the work program so that he can smoke, eat extra food, make free booking telephone calls, and go outside for fresh air. These are favors and preferential treatment that no other pretrial detainees get unless they are trustees. Inmate Timothy Kidd does not meet the criteria to be approved as a working inmate trustee. Attached is Exhibit A Article 5, Sec 7 of policy and rules

that provides inmates cannot have violent felony crimes or been charged and convicted of violent charges.

91. Inmate Timothy Kidd D.O.C. # 535629 clearly shows in Cass County jail and prison records a long history of violence and was charged with and convicted of 1<sup>st</sup> Degree Felony Assaults. Further violations for bringing tobacco and contraband into facility. This record will clearly show Mr. Kidd does not meet the criteria to be a trustee Attached is Exhibit A Article 5 Sec. 7
92. As soon as trustee Timothy Kidd turned the declarations into jail officials Sgt S. Burgess #662 and the defendant Lt. K. Nevilles #627, that those said declarations were suppose to have went to Fox 4 Problem Solvers, Kansas City Star and A.C.L.U. Mr. Potter did in fact experience retaliation and the defendant K. Nevilles put a hold on Mr. Potters mail. The hold lasted for months at a time causing very long delays on both incoming and outgoing mail. The hold was made from Oct 2016 to Dec 2016. Mail holds



were done in bad faith and the jail Lieutenant K Nevilles made this order and decision to unlawfully put a hold on Mr. Potters mail.

93. When the jail administration Lt. K. Nevilles put a hold on Mr. Potters mail, Mr. Potter did not receive his incoming mail for weeks at a time, and when Plaintiff Jason Potter did receive incoming mail it had a red stamp that it arrived 2-3 weeks before it even got delivered to Mr. Potter. This caused unwanted delay and violated rules and policy. Attached are relevant pages of policy as Exhibit A Article 2 Sec. 6(14).

94. The defendant K. Nevilles and Sgt. S. Burgess who were in collusion with each other on the mail hold issue, did not provide any due process on notifying when mail was rejected. So Mr. Potter was never given the opportunity to appeal any action concerning his mail, because of the failure to notify of mail rejections. Attached is Exhibit A Article 2 sec 6(23)

that provides inmates shall have the opportunity to appeal any action concerning their mail. Article 2 Section 6 (13) dictates that inmates will be notified within 24 hours when jail staff is made aware any incoming mail is undeliverable. Article 2 Section 6 (12) provides that mail is not to be read for content except where there is reliable information that there is an existing threat to order and security.

95. When Lt. K. Nevilles put a hold on Mr. Potters mail, the privileged mail was held for long periods of time, the privileged mail was not examined in Mr. Potters presence, and the privileged mail was read and rejected for content. Mr. Potter was not given any notice when privileged mail was rejected and the failure to give notice harmed and prevented Mr. Potter from challenge any censorship or appeal any action concerning mail. Attached is Exhibit L as evidence the Citizens Commission on Human Rights sent Mr. Potter information that was

rejected. Defendants K. Nevilles, Deputy Stacey Gunn, and Sgt. S. Burgess did not log into the mail log that these were rejected. This violates their own rules and policy set out in Exhibit A Article 2 Sec. 6

96. The Citizens Commission on Human Rights is a watchdog and clearing house for information and reporting crimes and complaints that even provide attorneys, law enforcement and investigation. These include multiple agencies, DEA, FBI, Criminal Division on Fraud, Department of Health and Human Services, Health Care Fraud, Medicaid Fraud and many more agencies.

97. When the defendants K. Nevilles, J. Heffernan, Deputy Stacey Gunn, Sgt. S. Burgess and Corporal Heffernan rejected mail from the Citizens Commission on Human Rights it was an attempt to stop Plaintiff Potter from exercise of his rights and access to the courts. It was rejected to also stop Mr. Potter from filing a complaint with the



proper authoritys, to prevent Mr. Potter from using the Abuse Report Form. Mr. Potter filed numerous grievances on medical Health Care Fraud or the fact medical and the defendants illegally take our money for health care expenses. Also the fact pretrial detainees get no health insurance. In support of the allegations of the defendants illegally taking our money, attached is Exhibit S.

In support of all allegations of the fact the defendants K. Nevilles, Sgt. S. Burgess, Corporal J. Heffernan, Deputy Stacey Gunn, Deputy T. Monhollen not providing any due process when they reject mail attached are the Exhibits K, AA, and DD, and L.

98. Deputy Stacey Gunn rejects mail and does not notify Plaintiff Potter when she rejects mail even after she has been asked to many times to give notice. Defendant Stacey Gunn reads every piece of mail for content to be nosy, snoop, to retaliate. Her behavior is done with evil motive and malice to injure Plaintiff Potter's Criminal

and Civil Rights Complaints. Deputy Stacey Gunn displays evil motive with reckless and callous indifference towards Plaintiff Potter and other inmates, producing a ripple effect causing actual injury in many forms. Relevant pages are attached as Exhibit K the declaration signed by the pretrial detainees. Deputy Stacey Gunn reads every piece of mail to be snoop and nosy and is an invasion of privacy that violates policy and rules. Relevant pages of policy are attached as Exhibit A Article 2 Sec. 6 (12)

99. When the jail administration K. Nevilles placed the hold on Mr. Potters mail Oct. 2016 through December 2016 and again in 2017 all of Mr. Potters privileged mail was held for long periods of time and was not examined in Plaintiff Potters presence and that privileged mail was read and censored violating policy. Relevant pages of policy are attached as Exhibit A Article 2 Sec. 6 (11)

100. The defendants K. Nevilles, S. Burgess, J. Heffernan, T. Monhollen, and Deputy Stacey Gunn violated policy, due process, and Mr. Potters right to correspond with his loved ones, who is also someone who helps with reference to legal matters. Attached is Exhibit N letter from Jennifer George who she has also taken carefull consideration on using the mail rules. The fact is when mail gets rejected without any due process, the defendants are retaliating against Mr. Potter for using the grievance system, and because all defendants are aware Mr. Potter was trying to file a Civil Rights Complaint. It keeps happening over and over and has become a form of punishment and campaign of harassment.

101. A lady and friend of Plaintiff Potters by the name of Kathy Hasenyager who she retired in good standing from the United States Postal Service made a complaint to the Cass County Sheriffs Office over the phone January 2017 because



the Defendant Stacey Gunn did not provide any due process when she rejected 5 Christmas cards that were no threat to the safety of the institution. Five cards in five separate envelopes, addressed to inmate Landon Boynton. Kathy also sent Mr. Potter a Christmas card and New Years card December 2016, Deputy Stacey Gunn did not notify Mr. Potter she rejected these cards, and so this would prevent Mr. Potter from knowing mail was rejected to be able to challenge or write a grievance, to be able to give Mr. Potter opportunity to appeal any action concerning his mail.

102.

The defendants K. Nevilles, S. Burgess J. Heffernan, T. Monhollen, and Stacey Gunn rejected mail from the National Lawyers Guild, Center for Constitutional Rights Citizens Commission on Human Rights, Sovereign Health Group Center, and Southern Poverty Law Center between Oct. 2016 to February 2017. These agencies ~~can~~ help with Mr. Potters

Civil Rights Complaint and access to the courts. These items of mail that was rejected without any due process are always attempts to try and put a stop to Plaintiff Potter's federally protected rights.

103. On December 30, 2016 Deputy T. Monhollen did not notify Plaintiff Potter that he rejected mail content by Darla Durham. It is not logged into mail records. Mr. Potter asked Deputy Monhollen why he rejected this mail without any notification slip. Deputy T. Monhollen stated the mail had two blank pieces of paper. Logic would dictate two blank pieces of paper do not pose a threat to safety and order of the jail. Because the defendants fail to notify of mail rejections and failure to log all the incoming mail into jail records this calls into question how many other mail rejections have not been accounted for that could have come from family, loved ones, and other government agencies for accessing the courts. Relevant pages are attached as Exhibits K, AA, N.

104.

On or about the month of November 2016 Steven Edmundson mother sent an article addressed to Mr. Potter. The article was about excessive case loads with the Public Defender System by Director Michael Barrett. Deputy Stacey Gunn rejected the article without any due process, so Mr. Potter was unable to challenge censorship and rejection. The only thing in the envelope was the article 2 pages long that pose no threat to the safety of the jail. Mr. Potter needed this article for court to better explain to the judge ineffective assistance of counsel issues he experiences because his public defender is over case loaded. This rejection prevented Mr. Potter from attaching the article as an Exhibit when he filed a motion to discharge counsel. The same day a letter from Mr. Potters mom was also rejected with evil motive and callous because she was mad Potter read her a rule out of the rulebook about how she is not suppose to read mail for content, and how she suppose to notify inmates when she



rejects mail. Attached is Exhibit K and Exhibit AA the declarations signed by pretrial detainees.

105. On December 27, 2016 Plaintiff Potter was called to the bubble by Stacey Gunn during mail call. Mr. Potter asked Deputy Gunn if she had rejected any mail of Mr. Potters. Deputy Stacey Gunn with a real hatefull attitude replied back "Mr. Potter if you ever ask me that again I will put you in segregation and you will not get to use the law library". Landon Boynton and other inmates heard this threat.

106. On January 9, 2017 Deputy Stacey Gunn opened and examined without Mr. Potter being present his incoming mail that is clearly labelled that it came from Cass Regional Medical Center. This clearly violates Mr. Potters medical confidentiality. Attached is Exhibit K that clearly shows Stacey Gunns actions are not with good intentions.

107. On January 19, 2017 the defendant Stacey Gunn violated policy Article 2 Sec. 6 (11)(a) that dictates mail from the court and government agencies are to be examined for contraband in front of the inmate. Policy in Exhibit A Article 6 Sec. 2 (3a) dictates inmates have the right to unrestricted and confidential access to the courts via correspondence on matters pertaining to their case and conditions of confinement. The legal mail Deputy Stacey Gunn opened without Potter present was from two government agencies. Harrisonville Municipal Court and the Harrisonville City Police Dept. This violated Mr. Potter's privacy and confidentiality.

108. During the month of March 2017 many pretrial detainees informed Plaintiff Jason Potter how their ~~mail~~ mail gets rejected without being notified or "proper due process." The inmates in the nextdoor known as E-Pod further said their "mail is always getting fucked with" was their choice of vocabulary. The E-Pod inmates informed Mr. Potter

that the defendants Stacey Gunn, T. Monhollen, and even Corporal J. Heffernan are always the ones who mess with there mail and provide no type of notification or due process whatsoever. Relevant pages are attached as Exhibits AA, DD. Exhibit DD is a declaration by Philip Lee Shipley. Exhibit AA is a declaration signed by many pretrial detainees. See also Exhibit K.

109.

On Feb. 3, 2017 at 2:40 AM Plaintiff Potter used the chain of command requesting to speak with Sgt. Monroe. Deputy Brooks and Deputy Thorton were present when plaintiff Potter gave notice about the retaliation he and other inmates experience, about all incoming mail issues, legal call issues, how grievances get ignored, how request forms get ignored, how Deputy Gunn told Mr. Potter verbally over the intercome "Better Not Keep Writing Grievances or it will be all Bad", how Stacey Gunn threw away Mr. Potters law books and Daily Breads without any due process hearing. Sgt. Monroe took



note of all these complaints and said he would speak with Lt. Nevilles first thing in the morning.

110. Sgt. Monroe said a few other inmates have made similar complaints including a inmate that was in protective custody by the name Samuel Bray with a D.O.C. number 1054798. Samuel Bray was on his hour out walking and he said his grievances don't get answered back also. Mr. Potter has attached Exhibit Q a declaration signed by many pretrial detainees who have witnessed Mr. Potter correctly follow the rules and procedures in filing grievances.

III. On Feb. 3, 2017 at about 3:15 AM Plaintiff Potter and Sgt. Monroe took a look in Mr. Potter's inmate property located in the storage room. Sgt. Monroe and Plaintiff Potter noticed a manilla envelope that was sent to Mr. Potter early January 2017 by the Sovereign Health. This package was not logged into mail records and both the sender and Plaintiff Potter were not notified of this rejection. Sgt. Monroe said

he does not know why this envelope would be rejected because he sees no problem with it. Sgt. Monroe gave this envelope or package to Mr. Potter. Attached is Exhibit Z as evidence Sovereign Health offers court services, and treatment. Mr. Potter and Sgt. Monroe noticed other letters and pictures that were in inmate property storage that were never given rejection slips of which officer rejected the mail.

112. Attached is Exhibit Z (front and back) as evidence the Sovereign Health Group offers a wide variety of services that include Court Services that function as a patient advocate. Because of Proposition 36 there Court services team works with attorneys who represent clients and present to the courts comprehensive treatment plans. Other services include treatment, addiction, mental health, trauma, dual diagnosis. When the defendants reject Mr. Potters mail without notice from all groups or organizations that help him, these rejections have been

done with evil motive and retaliation  
This is a reoccurring issue even  
after Mr. Potter has requested  
and used grievances asking to stop  
the illegal misconduct and to notify  
him when mail gets rejected. Evidence  
shows in Exhibits L, K, N, AA, DD, P  
that these rejections never properly  
get logged into inmate mail log records  
and its done with evil motive to  
punish and has turned into a campaign  
of harassment. This is always an  
attempt to stop Mr. Potter from any  
protected conduct.

113.

When Mr. Potter was put into segregation  
on March 7, 2016 to March 22, 2016  
Mr. Potter was put into segregation  
without a due process hearing to  
determine whether a rule had been  
broken. On the way to the hole  
defendants Stacey Gunn and T. Monhollen  
took and gave away for public use  
Mr. Potters personal property that  
included two writing legal pads,  
5 manilla envelopes, postage stamps,  
writing pens, irish spring soap, toothpaste  
band-aid, shirt, boxers and other



manilla envelopes that had return addresses on them that were approved through incoming mail that held orderly and safe legal documents, legal research, and mail.

114.

All of the personal property that was deprived from Mr. Potter on 3-7-2016 as included in paragraph 113, was done without an inventory report, Mr. Potter was not given any property removal slips. This would violate policy and rules. Exhibit A Article 6 Section 2 is attached which provides pretrial detainees are to get a due process hearing. This deprivation of Mr. Potters property was done to punish Mr. Potter. The fact is from Mr. Potters information and belief is Mr. Potter was given a conduct violation and was put into the hole as punishment for having postage stamps, legal writing pads, t-shirt, boxers, socks, toothpaste, and Irish spring soap. Defendants Stacey Gunn and T. Monhollen said those items are contraband, yet those are sold on commissary.

The fact is Mr. Potter was punished and placed into segregation for having hygiene material that Mr. Potter would need to bathe, and for having essential legal material ~~to~~ such as paper, envelopes, manilla envelopes, stamps, so that Mr. Potter can file documents, motions, and civil rights complaints to the court.

Attached is Exhibit JJ to show the fact defendants Jason Heffernan Stacy Gunn, and T. Monhollen deprived Mr. Potter of his much needed legal supplies, and hygiene material which would be needed for any "protected conduct"

This was done with malice to stop Mr. Potter from filing his civil rights complaint against the defendants, and prevented Mr. Potter from filing motions to the courts. Mr. Potter will also attach Exhibits NN to show the fact Mr. Potter was denied pro se indigent supplies, and Exhibit JJ shows jail officials know Mr. Potter is indigent by court

115. The personal property that was deprived from Mr. Potter on 3-7-2016 was not placed in storage, or in Mr. Potter's personal property, it was given away for other inmates use, without any due process. Most of the stamps were sent to Mr. Potter through the mail, incoming mail, by the sender Coleena Lopez. Coleena Lopez is also someone who sent Mr. Potter 2 law books that defendant Stacey Gunn threw away.

116. When the defendants Stacey Gunn and T. Monhollen deprived Plaintiff Potter of the much needed postage stamps, and essential legal items on March 7, 2016 and punished Mr. Potter for having those legal material by placing Mr. Potter into segregation, this was unconstitutional because this prevented and stoped Mr. Potter from fileing his Civil Rights Complaint on time, Mr. Potter could not afford postage, legal pads, and other ~~essential~~ legal items. This also hindered Mr. Potter from gathering evidence, or constraints on Mr. Potter's ~~and~~ abilities to obtain



evidence and difficulties monitoring progress of case. In paragraph 36 Mr. Potter claims he was denied any pro se indigent legal supplies, which is going against a judges order. Attached are Exhibits C, D to show two judges have numerous times declared Mr. Potter Indigent, so that he can able himself to the pro se indigent supplies. See also Exhibits H H.

117.

Depriving Mr. Potter of his postage stamps, legal material, writing pad, envelopes, on 3-7-2016, and also never according Mr. Potter his indigent pro se legal supplies has severely limited Mr. Potter on his right of access to the court. Mr. Potter was often forced to break jail rules when he traded food off his tray in exchange for some writing material or even hygiene items. Mr. Potter would be forced to try and trade his meal trays for legal supplies when often Plaintiff Potter did not really want to have to go hungry. Being forced to trade food for legal

supplies and hygiene broke rules in the inmate handbook. Attached as Exhibit A Article 1 Sec. 7a bb and Article 1 Sec. 11(3) are relevant rules that dictate inmates are not allowed to borrow, lend, and trade. Mr. Potter will also attach the violation report to show Mr. Potter was punished and put into segregation. See Exhibit JJ

118. when defendants Stacey Gunn and T. Monhollen placed Mr. Potter in the hole 3-7-2016 for the contraband legal material, and hygiene, it was done to punish and retaliate against Mr. Potter. Defendant Stacey Gunn always made sure to tell Mr. Potter "Now you can't use the law library while your in the hole". This is only one form of retaliation Deputy Stacey Gunn has used and there was much more. Deputy Stacey Gunn retaliated against Mr. Potter for using the grievance system and because the defendants know Mr. Potter was trying to file a law suit on them. By deprive Mr. Potter of legal supplies, throwing Mr. Potter into segregation, throwing away the

two lawbooks, denying Mr. Potter the pro se indigent supplies, preventing Mr. Potter from access to the library while he was in segregation, with the fact the law library is inadequate, denying Mr. Potter legal copies, the law library is not hooked to a printer, no access to legal forms, has added up to create an overall effect that is unconstitutional and has stopped Mr. Potter from filing his civil rights complaint, prevented Mr. Potter from acting pro se on both criminal cases, prevented Mr. Potter from filing a pro se habeas corpus, prevented Mr. Potter from meeting filing deadlines, and prevented Mr. Potter from preparing a defense for trial. Attached are Exhibits K, HH, V, R, O, C, D, and Q, and JJ

119.

Evidence attached as Exhibits M and O will show the fact Plaintiff Jason Potter was a pretrial detainee who had not plea guilty or been found guilty of the crime he was incarcerated for.



Between July 2015 to March 27, 2017 to 2/15/18 evidence will show in Mr. Potters inmate bank transaction list that fees were deducted from Plaintiff Potters account creating a negative balance for the cost of medical attention, doctor and nurse visits, and medicine. By illegally deducting money from Mr. Potters account the defendants Jeff Weber, Dwight Diehl, K. Nevilles, S. Burgess, Kim Otter, Stephen Valentich, and J. Heffernan are violating policy in the inmate rule handbook. Relevant pages of policy are attached as Exhibit A pages 20-21 Article 8 Sec 2-3 Policy dictates in the inmate rule handbook that RSMO 221.120 that is in accordance with RSMO 221.070 that no money can be taken from any pretrial detainees account until a plea of guilty or finding of guilt for such offense. Furthermore it is not enough to just take Mr. Potters money because it takes a court order having criminal jurisdiction in the county to satisfy such expenses. Relevant pages of the negative balance in Mr. Potters account are attached as Exhibit T.

120. Policy in the inmate rule handbook Exhibit A Article 8 Section 2-3 and both statutes RSMo 221.120 and RSMo 221.070 are clear and unambiguous a statutory mandate that only allows the recovery of cost for confinement and medical attention after a guilty plea or finding of guilt. Attached is Exhibit I Attorney General Chris Koster opinion, Opinion No. 124-2009 who he also says the Sheriff may not charge fees before a person has entered a guilty plea or had an adjudication of guilt.

121. (a) Attached as Exhibit T clearly shows negative balances in Plaintiffs account for the cost of medical care before he even plea guilty, this illegal taking of money without any due process has happened to thousands of pretrial detainees. Relevant pages are attached as Exhibit S a declaration signed by numerous pretrial detainees. Mr. Potter will also use the testimony of Matthew Volland and Matthew Scroggs or any other inmates to prove this.

b.) When Plaintiff Jason Potter was booked into the Cass County jail on July 8, 2015 through May 5, 2016 Mr. Potter did not sign into any agreements or contracts for jail officials to take or deprive Mr. Potter of money for medical attention.

c.) On July 25, 2016, and May 11, 2017 upon being booked into the jail, jail officials and Deputy K. Harris badge number 559 forced Mr. Potter to sign into a contract he did not want to sign. Jail officials said if Mr. Potter did not sign the bottom signature line that jail officials will put Mr. Potter into both protective custody and into suicide watch because of 2 of the 5 paragraphs in the contract. Mr. Potter would be under 24 hour lock down, butt naked, no sheets, no bedding material, no sleeping mat, different food items, and under constant surveillance known as suicide cell watch, if Mr. Potter did not sign the contract. The contract is attached as Exhibit I. The court



shall be informed of the fact that Plaintiff Jason M. Potter did not sign the very top paragraph to agree to take money for medical attention. Anyone can tell that Deputy Kevin Harris forged Mr. Potters name into the top paragraph. Because of paragraphs 3 and 5 of the contract Mr. Potter was forced to sign the very bottom signature of the contract. Mr. Potter was forced to, coerced physically and mentally to sign the contract. Mr. Potter did not want to experience undue suffering under suicide watch where privileges and rights are taken, which would also be very embarrassing and worse than any punishment. Mr. Potter will get other evidence and records from the TurnKey Corrections Kiosk machine when he is able to get discovery and subpoenas.

122. From Plaintiff Potters information and belief there is nothing in policy or the inmate rule handbook that gives the defendants Kim Otter, <sup>Advanced Correctional Health</sup> Jeff Weber, Dwight Diehl, K. Nevilles, S. Burgess, Stephen Valentich, and J. Heffernan the authority to ~~deduct~~ deduct \$20-30 dollars everytime Mr. Potter sees the nurse or doctor. This amounts to inadequate notice, inadequate authorization procedures, inadequate post-deprivation process, inadequate post deprivation process for challenging erroneous fee assessment, wrongful appropriation of money and property, medical health care fraud, inadequate authorization regardless of whether inmates sign a form, and mismanagement for non-compliance with federal, state, and local laws. Attached is Exhibit A the inmate rule handbook policy. Attached is also Exhibit I the opinion of the Attorney General Chris Koster who clearly shows RSMo 221.070 that no sheriff has the authority to charge fees before a guilty plea, and only

the courts have authority to charge these fees after a pretrial detainee has plea guilty or been found guilty. A judge would have to sign an order assessing cost of medicine and medical attention as costs.

123. From Mr. Potter's information and belief a judge never signed an order assessing cost of medicine and medical attention for the simple fact Mr. Potter had not yet been convicted, so to sign an order, would to act beyond its authority and its acts would be void. Furthermore Mr. Potter never received a court hearing or notice of a court hearing on the motion to assess cost of medicine and medical attention pursuant to 221.070 and 221.120 that was electronically filed on October 28, 2015. Relevant pages are attached as Exhibit I to also show a judge never signed an order to assess cost of medical attention, because Mr. Potter was not convicted yet. See also the Attorney General's opinion



number 124-2009 it is also attached as Exhibit I.

124.

By the defendants illegally deducting money from Plaintiff Potters inmate bank account leaving a negative balance, violating policy that is in accordance with RSMo 221.070 and 221.120 the defendants Jeff Weber, Dwight Diehl, Kim Otter, Jason Heffernan, K. Nevilles, Stacy Gunn, T. Monhollen, and J. Burgess are violating Mr. Potters due process, these illegal actions have caused actual injury to Plaintiff Jason Potters right to access to the courts, Mr. Potter has been forced to choose between two constitutional rights of purchasing medical attention or to purchase essential legal material, such as copys, stamps, paper, to be able to file legal documents. Because of the fact all defendants deny the pro se indigent supplies and illegally deprive Mr. Potter of money in inmate bank for medical

attention, this has prevented Mr. Potter from fileing his civil rights complaint or the defendants, prevented Mr. Potter from acting pro se in both criminal and civil complaints, Mr. Potter was unable to afford legal copys or unable to purchase them, prevented Mr. Potter from meeting fileing deadlines, and to prepare a defense for trial. There is a huge difference ~~to~~ from the defineation of regular indigent supplies and pro se indigent supplies. Defendant Kim Otter is misinforming testimony in her grievance response. Mr. Potter was NEVER given pro se indigent supplies. Mr. Potter was only given two stamps and 4 pieces of paper a week to be able to communicate with family. Relevant pages of Mr. Potters grievances are attached as Exhibit KK, Mr. Potter will also attach numerous other grievances when he is able to get his money. After Mr. Potter was

denied on the grievances in Exhibit KK Mr. Potter submitted 3 other hand written grievances and never got any responses to the grievances. When Turnkey Corrections installed Kiosk machines around November 2017 Mr. Potter submitted more grievances using that Kiosk machine. Mr. Potter will provide those grievances when he is able to subpoena those jail records.

125. On March of 2016, Plaintiff Jason Potter filled out request forms to see the doctor and surgeon about multiple cyst and other unknown bumps on the testicles, and mass cyst. The doctor ordered a sonogram to be done, and the nurse medical supervisor Kim Otter said she would have to get it approved by jail officials to even be able to let Plaintiff Potter get the sonogram done. The defendant Sgt. S. Burgess was present at the time Mr. Potter was seen by the doctor, and so defendant S. Burgess knew about the doctor's order.



126. Over one month passed by and Mr. Potter asked defendants Kim Otter, S. Burgess, and corporal Jason Heffernan if its approved to get the doctors ordered sonagram done. Kim Otter replied that it would cost \$125.00 if I Mr. Potter want the sonagram ultrasound done and Kim Otter lied and ~~said~~ said Plaintiff Potter would already have to have the 125.00 on the inmate spend account, and this would violate policy. Attached is Exhibit A Article 8 Section 1(10) policy dictates that no inmate will be denied or refused medical treatment because of lack of funds. Article 8 Sec. 2 and 3 provides RSMo 221.120 that is in accordance with RSMo 221.070 that no money can be deducted from pretrial detainees account for medical cost until a plea of guilty or finding of guilt for such offense and then it also takes a court order to satisfy such expenses. Relevant pages are attached as Exhibit I, and Exhibit A From Mr. Potters information and belief these should all be covered by the health insurance

on all pretrial detainees to cover medical cost, or the jail would subcontract medical attention for pretrial detainees and this would be "Advanced Correctional Healthcare" Attached is Exhibits KK to show the fact defendants Kim Otter says in grievance response that "Advanced Correctional Healthcare will not waive medical cost".

127.

Plaintiff Jason Potter did not sign any refusal of medical care to get the doctors ordered sonogram done between March-May 2016. By not following a doctors order the defendants Kim Otter, Sgt. J. Burgess K. Nevilles, Jeff Weber, Dwight Diehl, and corporal Jason Heffernan are going against a doctors order intentionally showing a deliberate indifference to cause delay, pain, and suffering. The defendant Advanced Correctional Healthcare would also show deliberate indifference by not timely covering the cost of all medical care.

128. In December of 2016 Plaintiff Potter wrote a grievance, and used multiple request forms informing defendant Kim Otter and jail officials how uncomfortable the mass cyst, hydrocele was getting that there is a lot of pain from the swelling and fluid build up in the scrotum sac, that this pressure and swelling feels as if blood flow was getting cut off to the testicle. The nurse Kim Otter said she would mark it down as a follow up visit to see the doctor. This follow up did not get done.

129. In January 2017 when Plaintiff Potter filled out another request to see the doctor and surgeon and two weeks went by without seeing or hearing to be heard on the medical complaint, Mr. Potter verbally asked defendant Kim Otter why he has not seen the doctor. Kim Otter replied "the request form must have gotten lost somewhere in the paperwork."



130. On January 27, 2017 when Mr. Potter seen the doctor, again Mr. Potter paid fees for a doctor visit, for the doctor to order another sonagram that should have been done the first time the doctor ordered it on March-May 2016. The fact is Mr. Potter got charged for numerous medical fees for the same exact medical complaint that should have been a free follow up visit. The doctor ordered the sonagram and said don't refuse the sonagram, but the truth is Mr. Potter never has signed any refusal of medical care. Attached is Exhibits KK that shows messages in November 2017 about complaints on fees, and negligence. Attached is also Exhibit S, a declaration signed by pretrial detainees. Exhibit T is attached as an inmate bank transaction list. Mr. Potter will try and get all transactions upon discovery, for 2015-2018 transactions. Over \$20 is taken for the cost of ~~medication~~ medication and medical attention numerous

times for the exact same medical complaint to equal \$30 or more.

On Jan. 26 2017 got charged \$20 more bringing a balance to negative -92.50. Exhibit A and I will show there is nothing in the policy saying the defendants Kim Otter, Advanced Correctional Healthcare, Jeff Weber, S. Burgess K. Nevilles, and Dwight Diehl have authority to take \$20-30 dollars. everytime Mr. Potter sees the doctor and nurse, without first a plea of guilt and a court order to satisfy such expense.

131.

At all times Plaintiff Potter talked to the nurse and doctor, Mr. Potter informed them both how he has seen doctors and experts that do sonagrams ultrasounds, and how surgery is only cure, that medication cant fix the medical issues, that aspirin and Ibuprofen will not cure it that only a surgeon can. Mr. Potter asked for defendants to get medical records from doctor K. McWhat, and M.D.C.C. the defendant

Kim Otter denied these request. Attached is Exhibit KK to show these refuseals and deny Mr. Potter medical records.

132.

On Feb. 15, 2017 Mr. Jason Potter was transported to Cass Regional Medical Center for the doctors order sonagram. Evidence will show the fact on March 2016 the doctor ordered this sonagram done the first time. The defendants Kim Otter, Jeff Weber, Sgt. S. Burgess, K. Nevilles, Dwight Diehl and Advanced Correctional Healthcare delayed this doctors order for 11 months. Defendant Kim Otter, S. Burgess and Lt. K. Nevilles would try and lie and manipulate Mr. Potter into believe he has to have money on his account to get medical treatment, and to get medical records from other doctors. Mr. Potter might also show records that two different medical centers show different or inaccurate results when he is able to get discovery. Mr. Potter did not hear the test results on those images until November 2017. Relevant pages are attached as Exhibit KK.



133. Because the defendants Jeff Weber, Dwight Diehl, K. Nevilles, Sgt S. Burgess, Cass County, Kim Otter and Advanced Correctional Healthcare unlawfully take money for the cost of medicine and medical attention without a plea of guilt and the court order, those defendants are not in compliance with policy and state statutes RSMO 221.120 and RSMO 221.070. This mismanagement for non compliance with federal, state, and local laws has left negative balances in Mr. Potters account. Mr. Potter was forced to choose between purchase legal material or to purchase medical attention. This harmed and caused injury to Mr. Potters "right to access to the courts". Mr. Potter was unable to pay for copys, stamps, paper, essential legal items, preventing Mr. Potter from fileing his civil rights complaint, act prose, file motions, meet fileing deadlines, and prepare a defense for trial. Relevant pages are attached as Exhibit KK, Exhibit A Article 8 Sec. 2-3. See also Exhibit S. Exhibit T shows negative balances in inmate bank.

Mr. Potter wrote several complaints to the Advanced Correctional Healthcare by using a sealed envelope addressed to their office in Peoria Illinois. This complaint explained issues of Plaintiff Potters money illegally being deducted from the inmate spend account for medical attention before a plea of guilty and the court order. It also explained their custom of not paying for the cost of medical attention or covering the cost of medical attention, when Mr. Potter was in custody and seen by Casa Regional Medical Center. Mr. Potter got no response back to these letters. Mr. Potter had his aunt Dawn Nelson call the office of Advanced Correctional Health and she was given an answering machine service after she spoke to a receptionist. Miss Dawn Nelson did not get any call backs from Advanced Correctional Health.

134. Most jail officials will always deny legal copys if your balance is \$0.00 or less. Those specific jail staff but are not limited to are Sergeant S. Burgess, Sgt. Shank, Sgt. Monroe, Corporal Jason Heffernan Deputy T. Monhollen, Deputy Rew, and Deputy Thornton

135. On Sunday January 29 2017 Mr. Potter asked defendant Jason Heffernan if he could make legal copies because he is pro se and declared indigent pro se by the judge, and the fact policy dictates in Exhibit A Article 5 Sec. 6(b) that if an inmate is pro se he can request pro se indigent supplies. Defendant Jason Heffernan always denied legal copys and pro se indigent supplies. Mr. Potter asked the next shift that works nights to make legal copies, this again got denied because of the negative balance. Most courts require that when sending motions you serve one on the prosecutor, to clerk, and judge or anyone requiring service, and its always good to keep a copy for



yourself for any hearings on motions Mr. Potter has. This would cause Mr. Potter to not be prepared for his motion hearings and pretrial hearing on 1/26/2017 Feb. 14, 2017. This prevented Mr. Potter from the suppression hearing claims being filed on 1/26/2017, and 2/14/2017. This has caused serious delays and impairment on legal claims in Mr. Potter's civil rights complaint, and both criminal cases. Prevented Mr. Potter from filing legal papers. Prevented Mr. Potter from appeal of the Writ of Prohibition to the Missouri Supreme Court. This is all because Mr. Potter was forced to choose between two constitutional rights, of purchase essential legal material or to purchase medical medical attention. Attached are Exhibits C, D, R, V, O, <sup>09</sup>KK, <sup>NN</sup> to show the fact Mr. Potter is self represented acting pro se, is indigent, has filing deadlines.

136. Defendants Kim Otter, S. Burgess, Jeff Weber, ~~and~~ K. Nevilles, Jason Heffernan,

and defendant Advanced Correctional Healthcare were made aware of Plaintiff Potters Chronic Health Care Conditions upon being booked into the Cass County jail because of the series of questions, medical screening procedures, and because of the grievances and request forms filed. Relevant pages of Mr. Potters grievance and grievance response are attached as Exhibit KK.

Mr. Potter also filled out numerous request forms asking for blood test. The defendant Kim Otter always denied this and refused to get medical records from the M.D.O.C. Attached are the denied request for blood test lab results as Exhibit KK, and Exhibit LL. Exhibit KK is also evidence defendant Kim Otter refused to get medical records from Advanced Correctional Health. Mr. Potter will also attach other grievances and request forms that he filed on the Turnkey Corrections Kiosk machines when he is able to get that discovery with a court order.

137.

From July 8, 2015 through Feb. 5, 2018 Plaintiff Potter used numerous request forms requesting defendant Kim Otter and jail officials to get blood test done because of Chronic Health care conditions of hepatitis that require medical attention, care and check ups. The defendant Kim Otter, Advanced Correctional Healthcare, Lt. K. Nevilles, Jeff Weber, Sgt. S. Burgess, and corporal Jason Heffernan did not process these request forms and grievances, or they denied them or even threw them away, or loose them to delay treatment. The defendants show a deliberate ~~and~~ indifference by ignoring ~~the~~ serious medical needs. Attached are Exhibits LL to show unanswered request medical forms that did not get processed and the medical records form that did not get processed that defendant Kim Otter had Mr. Potter sign. Exhibits KK LL show denied request and grievances. Mr. Potter will also attach Turnkey Corrections Kiosk grievances ~~that he can get those records through~~ discovery.



138.

To deny Mr. Potter lab blood test and Chronic Health Care treatment as well as Medical Records the defendants Advanced Correctional Health, Kim Otter, Jeff Weber, K. Nevilles Dwight Diehl, and Sgt. S. Burgess are going against Mr. Potter's other healthcare providers orders who say require checkups, treatment, and DAA drugs. Further the defendants would give Mr. Potter medication such as ibuprofen when his other healthcare providers told him not to take that medication because it's hard on the liver. Mr. Potter has been seen by the Chronic Health Care Clinic since 2007. See Exhibits KK, LL

139.

To ~~deny~~ <sup>deny</sup> Mr. Potter the blood test, lab work, and the Chronic Health Care treatment is treating Mr. Potter differently than an inmate by the name of Edward who he was not denied any Chronic Health care treatment while in the Cass County jail. That inmate did not have to pay the cost for medicine and medical attention.

140. On July 8, 2015 on 267<sup>th</sup> Street location outside of Harrisonville Missouri. Deputy Stephen Valentich pulled over a vehicle that Plaintiff Jason Potter was occupying as a rear passenger of. From Mr. Potter's information and belief the defendant Stephen Valentich had no probable cause to believe Mr. Potter had committed an offense, or was about to.

141. Plaintiff Jason Potter exited the rear of the vehicle and flee on foot into a field. Mr. Potter did not hear any verbal warnings or clear announcement that the defendant Stephen Valentich had a K9 that he will use and the probability that Mr. Potter will be bitten. This violated policy in chapter 48 set out in Section 4, attached as Exhibit X. Mr. Potter only heard sounds of a dog barking.

142. Plaintiff Jason Potter looked behind him after hearing the sounds of the K9 barking and seen the

fact Deputy Stephen Valentich was using his K9 champ #673K. Mr. Potter let the defendant Stephen Valentich know he was surrendering and Mr. Potter complied with orders by lay flat on his stomach, on the ground, face down. In less than one minute Mr. Potter felt K9 champs teeth penetrate the back of his left arm and triceps causing much physical pain and suffering.

143. Plaintiff Potter screamed and begged asking Deputy Stephen Valentich to please get his dog K9 champ off him. Deputy Stephen Valentich just kept watching as the K9 champ kept biteing and pulling Mr. Potters left arm, as if it were for his amusement. Everytime K9 champ would bite and pull, Deputy Valentich would say "good boy". No matter how many times Mr. Potter would ask the defendant Stephen Valentich to please get his dog off, Deputy



Stephen Valentich would deliberately ignore the request as if his motives were maliciously and sadistically to cause harm for his amusement.

144.

While Mr. Potter was compliant and surrendered on the ground Deputy Valentich pulled K9 champ off him by using a leash, then immediately lead his K9 into the middle of Mr. Potters legs so that K9 champ would bite Mr. Potters private parts causing extreme pain and suffering. Deputy Stephen Valentich then pulled his K9 champ off Mr. Potter again by using a leash for approximately 5-10 seconds, and again while Mr. Potter was face down on the ground the defendant Deputy Stephen Valentich intentionally, sadistically, maliciously for his own amusement with control of the K9's leash lead his K9 back onto Mr. Potter so that his K9 would continue to bite Mr. Potter multiple times all over his body,

shoulders, legs, lower back, left thigh, ass, and both legs to cause serious physical injury that has left scars that Mr. Potter will forever carry. Relevant photos, colored photos are attached as Exhibit U. See exhibit Y for medical results

145. Trained K9's are trained a bite and hold technique. With the multiple puncture wounds inflicted on Mr. Potter's whole body this is clear evidence that the bite and hold technique was not used at all, but rather Deputy Stephen Valentich meant to cause harm rather than keep order. Attached as Exhibit U is the colored photos to show evidence of bites all over Mr. Potter's body, that clearly the bite and hold technique was not used because Deputy Valentich would keep releasing his K9 over and over on Mr. Potter. Exhibit U is also the incident report. Mr. Potter will use video footage like patrol vehicles or surveillance cameras,

and voice records <sup>audio</sup> of this incident to clearly show evidence how Mr. Jason Potter was already flat on his stomach face down on the ground before ~~K9 Champ~~ the K9 champs first engagement. Video footage will further show the truth of how there was no need for the police dog, K9 Champ, when Mr. Potter was on the ground and compliant. That it was clearly excessive force. Exhibit 20 is attached as the controversy about misuse of police dogs, and about bite and hold technique. Exhibit 4 is evidence the bite and hold technique was not used, but rather the defendant Stephen Valentich kept releasing K9 champ to purposely bite Mr. Potter while he was on the ground and compliant.

146. The defendant Stephen Valentich, Dwight Diehl, Sgt. S. Burgess, Kim Otter, and K. Nevilles failed to take photos of all Mr. Potters bite ~~records~~ records. Further there were bite



wounds on Mr. Potters private parts, thighs, lower back, and lower extremities, and butt cheeks, that the defendants failed to take photos of upon being booked into the Cass County jail. Attached is Exhibit Y as evidence medical staff seen multiple wounds to the lower extremities of Plaintiff Potters body. Exhibit Y is also the Cass Regional Medical Centers medical information and discharge papers relevant to the K9 Champ bite wounds. The photos do no justice because they were taken right after the incident at the hospital. No photos of all bite wounds were taken at the jail from Mr. Potters belief. Within 12-36 hours after the incident Mr. Potters whole left arm and both legs were black and purple.

147.

After the defendant Stephen Valentich kept using excessive force by intentionally having K9 champ bite Mr. Potters body all over, any media discovery will show

the fact there was no need for a police dog, there is no justification to keep using K9 Champs Teash to over and over have the K9 bite Mr. Potter all over. It is sick and police brutality. Trained K9s are trained a bite and hold technique with a bite force between 1,200 and 2000 pounds per square inch, which is comparable to an automobile wheel running over a body part. Attached is Exhibit W to show evidence of bite and hold techniques that cause deep puncture wounds, severe crush injuries.

148. Defendants Stephen Valentich and K9 Champs illegal use of physical force causing Mr. Potter serious physical injury, pain and suffering for about 2 months. Mr. Jason Potter was unable to move his left arm for over 45 days after the incident and was very painful for Mr. Potter to walk to medical because of the unnecessary bite wounds to Mr. Potter

legs and lower extremities. Mr. Potter also suffered psychological injury that he is scared of dogs and had bad dreams often. Relevant pages are attached as Exhibits U, W, X, and Y

149.

Plaintiff Jason Potter informed the medical nurses at the Cass Regional Medical Center located in Harrisonville, MO. 64701, about the fact how Deputy Stephen Valentich kept repeatedly using excessive force, and the fact Mr. Potter would ask Deputy Stephen Valentich to please stop to get the dog off. After the nurse heard this she replied "I cannot be hearing this" and she walked out. Mr. Potter was then given a different nurse, and Mr. Potter never seen that nurse again. The Cass Regional medical staff after that seemed to be trying to cover up the police brutality and acted as if the wounds were just mild, and acted as if they wanted Mr. Potter



out of their hands and care as soon as possible.

150. The defendant Sgt. Justin Claibourn and Deputy Thorton let Mr. Potter know it is the worst K9 attack that they have seen by K9 Champ. Plaintiff Potter informed both officers how Deputy Valentich kept releasing his K9 Champ on him over and over and how every time the dog bit Mr. Potter, that Deputy Valentich would tell his dog "Good Boy!" as if rewarding the dog every time it inflicted wounds.

151. Justin Claibourn and Deputy Thorton went on to say how the K9 champ had surgery done and how the K9 champ had surgery done, that K9 champ got a new titanium upper jaw and new titanium teeth because the K9 champ chews on cement or concrete. These new set of titanium teeth are are set of deadly weapons that cause serious physical injury much worse than a

normal set of K9 teeth. The defendants County of Cass, Stephen Valentich, K. Nevilles, Dwight Diehl, Jeff Weber Lt. Dave Rodgers are violating Mr. Potters rights and the publics by having a K9 with titanium teeth to cause more physical damage than needed for force. From Mr. Potters information and belief K9 champ is also called Robo dog. Using a K9 Champ that has Titanium teeth and upper jaw the defendants are violating Mr. Potters rights being illegally seized under the Fourth Amendment to the U.S. Constitution, Mr. Potters due process, and is equal to that of cruel and unusual punishment.

152. Deputy Stephen Valentich writes up false incident reports and says the K9 Champ pursued Mr. Potter subsequently taking him to the ground. Any video or media discovery will show Mr. Potter was flat on his stomach face down before the K9s first engagement. The Incident report is attached as Exhibit U.

153. Plaintiff Jason Potter will attach a letter and declarations from Travis Linder who was a victim of the same police brutality by the defendant Stephen Valentich.
154. Plaintiff Jason Potter plans on using the testimony, depositions, declarations of four other civilians and one innocent civilian that Deputy Stephen Valentich used excessive force on. From Mr. Potters information and belief an innocent civilian was recording police misconduct of the defendant Stephen Valentich conduct. When Deputy Valentich learned of this public recording him he released his K9 champ on her and K9 champ bit her. Deputy Valentich took her phone and recording devise. Mr. Potter may also use any other incidents relevant to this matter.
155. Mr. Potter correctly used the grievance form and grievance procedure to file a grievance about Deputy Stephen Valentich case of excessive force. Mr. Potter



only got one answer back to one of the grievances with it being denied for being an invalid grievance, Mr. Potter wrote numerous other grievances by following the correct rules to file a grievance procedure, all grievances were ignored without process.

156.

Mr. Potter realleges and incorporates by reference as if fully set forth herein paragraphs 109, and 110 and additionally states after Sgt. Monroe spoke to the Lt. K. Nevilles, and the fact Mr. Potter used the chain of command asking Sgt. Monroe to please help him have access to personally speak to the Division Commander Lt. K. Nevilles, Mr. Potter spoke with the defendant K. Nevilles and informed him he has correctly used the sealed envelope grievances and they always are ignored without process. Mr. Potter spoke about all issues in this complaint, the Lt. Nevilles said he would ask the defendants to treat Mr. Potter a certain way. Mr. Potter is unaware if the defendants were told

anything because Sgt. S. Burgess continued to obstruct the grievance procedure. All other jail officials told Mr. Potter they could not answer his grievances, that the shift Sgt. S. Burgess works has to answer them. Jail officials also told Mr. Potter they can not make him a trustee because Sgt. Burgess and corporal Heffernan would have a cow.

157. Because grievances are ignored, Mr. Potter gave deputy Funk a sealed envelope to Jeff Weber the sheriff that was 9 pages long. On, Feb. 20, 2017 Deputy Funk logged this into mail records. See paragraph 44 of this civil rights complaint as a cross reference. The defendants Jeff Weber, K. Nevilles, Sgt. S. Burgess were made aware of all issues in this complaint, failed to correct or remedy all wrongs, obstruct a grievance procedure by not providing written responses. K. Nevilles and Jeff Weber created a custom of which are constitutional practices

occured and allowed the continuance of the custom. From Mr. Potter's information and belief the Lt. K. Nevilles is to intimidated or scared to give orders to Sgt. S. Burgess to fix his wrongs, and correct their misconducts. The defendant Jeff Weber, and K. Nevilles show deliberate indifference to the rights of Mr. Potter and privileges by failing to act on information indicating that unconstitutional acts were occurring. Defendant K. Nevilles participated directly on the illegal holding of Mr. Potter's mail for weeks at a time without any due process. Attached is Exhibit Q a declaration signed by numerous pretrial detainees who witness Mr. Potter correctly file grievances.

158. Mr. Potter filed numerous grievances about grievances not given process and the fact when grievances are answered those grievances get answered by the jail official who the grievance is on, amounting to a conflict of interest. Mr. Potter



filed numerous grievances using the Turnkey Corrections Kiosk machine about the issues with the obstruction of a grievance procedure, Mr. Potter was told "why don't you just file the lawsuit you keep saying you're going to file." Mr. Potter was also threatened with punishment or a conduct violation for abuse of the grievance system for excessive grievances.

159. On Jan. 9, 2017 Plaintiff Potter received Medical bills from the Cass Regional Medical Center, about the K9 bite wounds inflicted by Stephen Valentich and K9 Champ. Mr. Potter has received those same bills in 2018 as well. Mr. Potter wrote a complaint to both Cass County Sheriff's jail officials and to the Cass Regional Medical Center and explained the fact how the defendants Advanced Correctional Health, Jeff Weber, Dwight Diehl, and Cass County should have to pay the cost of the medical bill because Mr. Potter was in state

custody, handcuffed, and seized by Sheriff's deputies. Per policy and statutes RSMo 221.120 and RSMo 221.070 it takes a court order to satisfy such expenses as well as a finding of guilt. Attached is Exhibit I. Attached is policy as Exhibit A, Article 8 Sec 2-3. The medical bills are attached as Exhibit Y. From Mr. Potter's information and belief he did not sign a consent to medical care, Mr. Potter refused to sign also because Cass Regional was not providing adequate medical care by not listening and taking all complaints. Cass Regional Medical Center did not treat bite wounds on Mr. Potter's lower extremities, buttox, and private areas. Attached as Exhibit Y was the refuse to sign yet Mr. Potter is charged medical bills that effect his credit score. This injury to Mr. Potter's credit score affects Mr. Potter day to day living from being financed on necessities.

160.

Mr. Potter realleges and incorporates by reference as if fully stated herein paragraphs 89, 90, 91, and 92 and additionally states Mr. Potter correctly filed numerous request forms requesting to be a working inmate commonly called a "trustee work position". Mr. Potter has correctly filed both request forms and grievances throughout the duration of his incarceration from August 2015 through January 2018. Relevant pages of Mr. Potter's letter of incarceration are attached as Exhibit M that will show Mr. Potter was incarcerated in the Cass County jail for long periods of time a total of 816 days and the defendants Jeff Weber, Dwight Diehl, K. Nevilles, J. Burgess, Stacey Gunn, J. Heffernan, and T. Monhollen always denied Mr. Potter a trustee position because of the Felony assault 2nd degree case he was charged with. Denying Mr. Jason Potter a trustee job because of his charge of 2nd degree domestic assault would treat Plaintiff Potter differently than his other inmates



by the name of Timothy Kidd #535629 and Bradly Beach who Timothy Kidd was charged and convicted of 1<sup>st</sup> degree Domestic Assault, and previous convictions of 2nd degree Domestic assault. Bradly Beach also had prior convictions for Domestic Assault in 2nd degree, and possible city ticket for assault. Both Timothy Kidd and Bradly Beach held the working inmate trustee position. And the fact is Timothy Kidd was charged with more violent severe Domestic Assault charges, and he was convicted. This is evidence Mr. Potter was not treated equal as a couple<sup>of</sup> similarly situated inmates, that Mr. Potter was treated different, was not given equal privileges, rights, and opportunity under the law. Attached is Exhibit J a declaration signed by numerous pretrial detainees who were also denied the trustee position. See also attached is Exhibit A Article 5 sec. 7 of policy and rules that shows both Timothy Kidd

and Bradley Beach does not meet the criteria to qualify for a trustee position. Exhibit J also shows the denied responses from the defendants.

161. Denying Mr. Potter a trustee position would also deny Mr. Potter other privileges and preferential treatment that working inmate trustees automatically acquire. Those privileges include but not limited to are:

- a.) trustees get to go outside and get fresh air
- b.) trustees get to smoke cigarettes
- c.) trustees get to eat extra food and cakes
- d.) trustees get to make free phone calls on the booking telephones often
- e.) trustees are not locked down in there cells 17-23 hours a day like Mr. Potter was.

f.) trustees often get to move around in day room while other offenders are locked down.

162. Plaintiff Potter wrote numerous grievances on denial of the working inmate trustee jobs. The grievances always explained how a similarly situated inmate by the name of Tim Kidd was never denied a trustee position when he has violent felony convictions of Domestic Assault 1<sup>st</sup> degree, but yet Mr. Potter and numerous other pretrial detainees are denied because of assaults on there record. One of the grievances were reviewed by the defendant Deputy T. Monhollen and he said over the intercome loudly in front of other inmates "Stop writing grievances on this petty bullshit because No one cares, that officers dont have to treat us equal to look at the child molesters they are in a different pod." Deputy T. Monhollen, Sgt. Burgess, K. Nevilles Stacey Gunn, J. Heffernan, and Jeff Weber denied all request forms and grievances with the response that Mr. Potter is charged with 2nd degree Domestic Assault, so he is denied. Attached is Exhibit J a declaration by numerous inmates.



163.

The fact is Mr. Potter was confined in the Cass County jail as a pretrial detainee for 816 days and those jail conditions amounted to punishment undue suffering, and was not healthy for Plaintiff Potters physical and mental condition. Mr. Potter was treated differently than inmate Timothy Kidd who did not qualify for a trustee position. Mr. Potter did not get to go outside at all for fresh air.

Mr. Potter never got no outdoor recreation Mr. Potter got less food, less trays, Mr. Potter was locked down in a cell 17-23 hours a day, No TV, No newspapers, Mr. Potter was deprived of outdoor exercise, there was not an indoor gym, there was no adequate space for exercise, and if there was a gym than Mr. Potter and the pretrial detainees were denied access. This all added up to create an overall effect that is unconstitutional and was unhealthy for Mr. Potters physical and mental health. Sgt. S. Burgess told Deputy Skeins to not be nice to the inmates because pretrial inmates are suppose to be punished. Attached is Exhibit PP

164. During the month of February 2017 while Sgt. Jennifer Wise and Deputy Hendrix were making legal copys for Plaintiff Potter, Mr. Potters legal copys got jammed in the copyer. Deputy Hendrix noticed Sgt. Wise name on Mr. Potters legal work because of the fact the legal copys being made were copys of this Complaint under The Civil Rights Act, 42 USC 1983.

165. As soon as Deputy Hendrix noticed Sgt. Wise name on Mr. Potter legal copys, Deputy Hendrix told Sgt. Wise "look at this". Because of both the jam in the copyer and Sgt. Wise and Deputy Hendrix reading Mr. Potters legal copys of this Complaint under The Civil Rights Act and the fact Sgt Jennifer Wise seen her name in the complaint, Mr. Potter was ~~stopped~~ stoped and prevented from making any more copys by all Cass County jail officials. This prevented Mr. Potter from fileing timely his Complaint under The Civil Rights Act of 42 USC. 1983.

166

In support of Plaintiff Potters claims that he has been irreparably injured because of the inadequacy of a law library, inadequacy of legal assistance, denial of prose indigent supplies, and the fact Deputy Stacy Gunn would take Mr. Potters legal supplies, law books, and then punish him ~~with~~ for having these legal supplies, Mr. Potter has attached Exhibit 00, the Docket Entries for Mr. Potters case 15CA-CR00638-01.

167

Exhibit 00 shows evidence ~~to~~ Mr. Potters Suppression Hearing was removed from the docket because of the fact the defendants prevented Mr. Potter from preparing a defense for all motion hearings, pretrial, and a jury trial. Numerous unwanted continuances were forced on Mr. Potter do to all inadequacy of legal assistance causing Mr. Potter to get confined in jail



for very long periods of time in a state of punishment and harassment. These long periods of confinement would cause Plaintiffs plea of guilt to be induced by fraud, apprehension, duress, physical and mental coercion. Attached is Exhibit PP a declaration signed by pretrial detainees. Attached as Exhibit M is Mr. Potters letter of incarceration to show Mr. Potter was confined for long periods of time. Under these unhealthy stressful conditions Mr. Potters physical, mental, and medical condition was getting worse and it would mentally and physically deplete anyone incarcerated for long periods of time under these conditions.

168. Attached as Exhibit OO are the docket entries as evidence the court denied Mr. Potter standby counsel while he was representing himself pro se.

habeas corpus forms by the jail officials and the court preventing him from filing a habeas petition. Mr. Potter was denied all forms that an adequate law library should have.

169

On top of all these overly restrictive conditions the defendants tried all forms of ways to block the preparation and filing of this lawsuit all in an attempt to stop the public and courts from learning about prisoner issues and complaints.

## EXHAUSTION OF LEGAL REMEDIES

170. Plaintiff Jason Potter has used the inmate grievance procedure available at the Cass County Jail to try and solve the problems. Plaintiff Potter has took careful consideration to follow the rules and the chain of command to correctly file grievances. In support of these factual allegations attached is Exhibit Q all 3 pages of a declaration signed by the pretrial detainees who have witnessed Plaintiff Potter use administrative remedies on all issues and legal claims stated in this complaint.

171. Plaintiff Potter has further tried using the Cass County Courts by filing motions, letters, and verbal complaints in open court to try and solve the problems. Attached are numerous letters to the court as Exhibit HH, see front and back pages. Plaintiff Potter was told by Judge Stacey Lett to use the grievance system available at Cass County Jail.



172. The jail Sergeant and Lieutenant never give a reply back to these grievances or do not provide process to all grievances. Plaintiff Potter has requested numerous times for written responses back to these grievances but they all get denied or ignored completely.

173. Deputy Stacy Gunn told Plaintiff Potter that her corporal and Sgt. S. Burgess said it will be all bad for Mr. Potter if he keeps writing grievances, or pursue the issues.

174. Deputy T. Monhollen has told Mr. Potter to stop writing these petty bullshit grievances because nobody cares

175. Plaintiff Potter used the Turnkey Correctional Kiosk machine to file several grievances if not many, when they were finally installed in November 2017. Mr. Potter wrote a grievance about not getting answers or replies back to handwritten grievances

Mr. Potter got a response back to go ahead and file the lawsuit you said you were going to file.

176. On the Kiosk machine Plaintiff Potter got a response back to his request form and grievance that if he keeps writing grievances that he will get wrote up for abuse of the grievance system, as if he will be punished.

177. Very rarely do the grievances get answers back to them and when they do get answers, they are verbal over the loud speaker, not in private, and in front of other inmates, those answers are always denied. It was not until November 2017 that Plaintiff got answers to grievances because they were done by Kiosk machines that leave digital imprints.

178. Often Plaintiff Potter noticed the grievances go back in front of the officer he is writing the complaint on

amounting to a conflict of interest, bias, and prejudice in the grievance procedure available at the Cass County jail.

179. On Feb. 3, 2017 Plaintiff Potter made verbal complaints to Sgt. Monroe while Deputy Brooks and Deputy Thorton were present, at 2:40 AM. The complaints were all written down by Sgt. Monroe and the fact how inmates don't get process and answers back to their grievances was raised and brought to their attention.

180. On Feb. 20, 2017 Plaintiff Potter used a stamped envelope addressed to the Sheriff Jeff Weber and submitted a 9 page grievance complaint, this complaint explained how grievances don't get processed as well as all other complaints listed in this Civil Rights Complaint. Mr. Potter never received any responses to this 9 page grievance. Deputy Funk said she would log this letter into the mail log.



181

Plaintiff Potter used a form called "Request for Records" to get copys of all grievances, any possible written responses, mail loggings, inmate activity list, these request were ignored without process or even a response.

182.

On Jan. 11<sup>th</sup> and January 12, 2017 Plaintiff Potter submitted a request for discovery pursuant to Supreme Court Rule 25.04 requesting copies of all grievances, responses, request forms, law library log, and mail log. Mr. Potter submitted this discovery motion to the Cass County Circuit Court and it got denied. In support of these factual allegations attached are Exhibits BB the States response to this discovery motion see paragraphs 9, 10, and 11.

183.

On January 17, 2017 Plaintiff Potter used a subpoena for the jail administration to produce copys of all grievances, mail log, and inmate activity list. On Jan. 26 2017 while Plaintiff Potter was still

acting pro se the Prosecuting Attorney objected to these subpoena request

184. Mr. Potter seen only one written response to a grievance response on January 4, 2017 by the nurse Kim Otter. When Mr. Potter asked defendant Kim Otter if he could keep a copy of the grievance response for future use and evidence the defendant denied this request and said Plaintiff Potter would have to subpoena these grievance records. Attached is Exhibit KK a copy of that grievance that only Mr. Potters appeal attorney was able to acquire because when Mr. Potter tried to subpoena medical grievances they were denied.

185. Mr. Potters Appellate Attorney Annette M. Wallace was able to acquire only partial grievance complaint and jail records on November 2018. See Attachments in Exhibits B, II, JJ, KK, LL, mm, NN.

186. Plaintiff Potter and his attorney Annette Wallace have been unsuccessful at getting the jail administration and officers to produce all request forms and grievances related to this cause. There are numerous request forms and grievances on the Turnkey Corrections Kiosk machine that Cass County jail officials could easily print out that leave a digital imprint. These negligent actions hinder Plaintiff Potter from producing evidence timely for his Civil Rights Complaint.

187 Because jail officials do not provide handwritten responses back to grievances ignore grievances, and fail to turn over kiosk printouts of grievances Plaintiff Potter is unable to attach all grievances as evidence for this complaint. This would show Mr. Potter used the grievance procedure with ~~big~~ diligence. Plaintiff Potter also waited for responses way past the time limitations or even months to try to exhaust his grievance rights.



Plaintiff Potter is unable to attach all grievances through No Fault of his own. Plaintiff Potter plans to use the United States District Court and proper discovery motions to obtain all evidence and grievances. to meet all the Exhaustion requirements.

# LEGAL CLAIMS

188. Plaintiff Jason Potter reallege and incorporate by reference paragraphs 1-188

189. Defendants Jeff Weber, Dwight Diehl, Justin Claibourn, K. Nevilles, S. Burgess and County of Cass failure to fund an adequate law library and fund meaningful access to the courts in an attempt to save the County of Cass and Sheriffs Office money is violating Plaintiff Potters rights to proceed prose and right of access to the courts both guaranteed by the United States Constitution. This has caused injury to Plaintiff Potters criminal case and Civil Rights complaint. This has caused injury to Plaintiff Potters First, Fifth, Sixth, and Fourteenth Amendments to the United States Constitution.

190. The defendants Jeff Weber, Dwight Diehl, Justin Claibourn, K. Nevilles, S. Burgess Stacy Gunn, Jason Heffernan, and T. Monhollen denial of access

to an adequate law library without providing alternative means of legal research, legal material, legal printer, forms, pretrial motion forms, law books, self help litigation books, a Missouri Constitution, copys, and the judges ordered pro se indigent supplies, as well as policy's additional pro se indigent supplies has violated Plaintiff Potters rights to proceed pro se and right of access to the courts. This has caused injury to Plaintiff Potters criminal case and civil rights Complaint injuring Plaintiff Potters First, Fifth, Sixth, and Fourteenth Amendments to the United States Constitution

191. Defendants Jeff Weber, Dwight Diehl, Justin Claibourn, K. Nevilles, Jennifer Wise S. Burgess, Stacy Gunn, Jason Heffernan and T. Monhollen violated Plaintiff Potters Fourteenth Amendment right to due process by depriving him of his vested liberty interest of the additional pro se indigent supplies, legal material, forms, law books, adequate law library,



without providing alternative means to prepare a defense for trial when the defendants are aware Mr. Potter has no standby counsel because the court denied standby counsel has violated Plaintiff Potters rights to proceed prose and right to access to the courts under the First, Fifth, Sixth, and Fourteenth Amendments to the United States Constitution. This has caused injury to Plaintiff Potters rights under the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. Mr. Potters defense for hearings, pretrial, and to be able to prepare a defense for a jury trial were not equally available as that ~~to~~<sup>of</sup> a lawyer or a prosecutors causing a huge disadvantage.

192. Defendants Jeff Weber, Dwight Diehl, County of Cass, Justin Claibourn, K. Nevilles, S. Burgess, Stacy Gunn, Jason Heffernan, and T. Monhollen denial of access to an adequate law library

without providing alternative means of legal research, legal material, additional prose indigent supplies, forms, Missouri Constitution, Selfhelp Litigation law books, copies or any other alternative means essential to prepare a defense for a jury trial, writs, and scheduled suppression hearings has caused unwanted delays, unwanted continuances, preventing Mr. Potter from having the Feb. 17, 2017 scheduled suppression hearing, and numerous jury trials. This has violated Plaintiff Potters Due Process under the Fifth and Fourteenth Amendments to the United States Constitution and has caused injury to Plaintiff Potters rights to a fair, fast and speedy trial guaranteed by the Sixth Amendment and Fourteenth Amendment to the United States Constitution.

193. Defendants K. Nevilles and S. Burgess show of deliberate indifference by preventing Plaintiff Potter from preparing a defense for

scheduled suppression hearings, motion hearings, pretrial conferences, and scheduled jury trials when both defendants held the Discovery Videos that were on a CD that were privileged mail because they were apart of Mr. Potters Discovery evidence that came from the Cass County Prosecution Office and the defendants K. Nevilles and S. Burgess deliberate indifference failure to let Plaintiff Potter watch his Discovery videos after he requested so numerous times, this has violated Plaintiff Potters rights to proceed pro se and right of access to the courts. This caused injury to Mr. Potters two criminal cases 15CA-CR00638-01 and 16CA-CR00007 by preventing Mr. Potter from preparing a defense for a suppression hearing and jury trials. This prevented Mr. Potter from having the Feb. 17, 2017 scheduled suppression hearing and jury trials, violating Mr. Potters Fifth, Sixth, and Fourteenth Amendments to the United States Constitution.



194. Defendant Stacy Gunn use of threats that she will place Mr. Potter into disciplinary segregation so that he cannot use the law library and the fact Plaintiff Potter was placed in disciplinary segregation on the months of March 7<sup>th</sup> 2016 and November 2016 and denied access to the law library without providing alternative means of legal research and legal material has violated Plaintiff Potters right to act pro se, and right to access to the courts.

This caused injury and delay to Plaintiff Potters criminal and Civil Rights complaints as well as impairment on filing motions. This has caused injury to Plaintiff Potters First, Fifth, Sixth, and Fourteenth Amendments to the United States Constitution.

195. On March 7, 2016 the defendants Stacy Gunn Jason Heffernan, T. Monhollen, and S. Burgess violated Plaintiff Potters rights to due process by placing Mr. Potter in disciplinary segregation without first being accord a due process hearing, and present evidence or testimony to determine

if Plaintiff Potter violated any rule. This violated Plaintiff Potters Fifth and Fourteenth Amendments to the United States Constitution.

196. On March 7, 2016 the defendants Stacy Gunn, Jason Heffernan, T. Monhollen and S. Burgess deprived Plaintiff Potter of his personal property, legal writing material, and postage stamps without an inventory report and without a due process hearing violated Mr. Potters due process guaranteed by the Fifth and Fourteenth Amendments to the United States Constitution. This deprivation of Mr. Potters property caused injury to Plaintiff Potters rights to access to the courts causing injury to Plaintiffs First, Fifth, and Fourteenth Amendments to the United States Constitution.

197. Defendants Jeff Weber, Dwight Diehl, K. Nevilles, S. Burgess, and County of Cass failure to fund a way for Plaintiff Potter to make private or monitored legal calls so that

he can try to get an attorney and then to meet with that attorney violates Plaintiff Potters right to counsel in violation of Plaintiff Potter's rights under the Sixth Amendment to the United States Constitution

198. Defendants Jeff Weber, Dwight Diehl, K. Nevilles, S. Burgess, Jason Heffernan Stacy Gunn and T. Monhollen denial to let Plaintiff Potter make private unmonitored legal calls after he correctly used a request form requesting to place an unmonitored legal call and the defendants are aware Plaintiff Potter is a pretrial detainee under investigation of a crime, the defendants are acting in a negligent manner with deliberate indifference violating Plaintiff Potters right to counsel, right of access to the courts, this also breaks rules of the attorney-client privilege in violation of Plaintiff Potters rights under the First, Fifth, Sixth, and Fourteenth Amendments to the United States Constitution.



199.

By not providing Plaintiff Potter a private room to make legal telephone calls and the denial to let Plaintiff Potter make unmonitored legal calls to his attorney when Missouri Revised Statutes 600.048, 544.170, and policy Article 6 Sec. 2 define and create a duty of every person in charge of a sheriff's office to make a room where a person held in custody can talk privately with his lawyer, the defendants Jeff Weber, Dwight Diehl, K. Nevilles, S. Burgess, Jason Heffernan, Stacy Gunn Jennifer Wise, and T. Monhollen ~~breached~~ breached a duty to let Plaintiff Potter call his attorney and talk privately with his attorney ~~and~~ in violation of Missouri Revised Statutes 600.048 and 544.170.

200.

By not providing a private room so Plaintiff Potter could make private phone calls for the purpose of preparing his defense for a jury trial when Honorable Judge Stacy Lett order on January 26, 2017 to a telephone for the purpose of preparing a defense because Plaintiff Potter was self represented

the defendants Jeff Weber, K. Nevilles S. Burgess, Jason Heffernan, Stacy Gunn, and T. Monhollen violated Plaintiff Potters rights to proceed pro se in violation of Plaintiff Potters rights under the Sixth Amendment to the United States Constitution. This is causing injury to Plaintiff Potters Due Process and access to the courts, injuring his First, Fifth, Sixth, and Fourteenth Amendments to the United States Constitution.

201. Defendants Jeff Weber, Dwight Diehl, K. Nevilles, S. Burgess, Jason Heffernan Stacy Gunn, Jennifer Wise, and T. Monhollen denial to let Plaintiff Potter make private unmonitored legal calls after he made it known to all jail officials he does not want to waive the attorney-client privilege the defendants are violating Plaintiff Potters right to be free from unwanted monitoring of confidentiality in violation of Plaintiff Potters rights under the Fourth Amendment to the United States Constitution.

202. Defendants Jeff Weber, K. Nevilles, S. Burgess, Jason Heffernan, Stacy Gunn, Jennifer Wise, and T. Monhollen denial to let Plaintiff Potter make private unmonitored legal calls from May 11, 2017 to July 24, 2017 so that he could try and get an attorney because Plaintiff Potter was without counsel and under the investigation of a crime as well as a probation violation for violating the laws, the defendants are violating Plaintiff Potters right to counsel under the Sixth Amendments to the United States Constitution. These illegal actions caused delay and injury to Plaintiff Potters right of access to the courts, Due process, fast and speedy trial, and right against self incrimination in violation of Plaintiff Potters First, Fifth, Sixth, and Fourteenth Amendments to the United States Constitution.



203. The defendants Jeff Weber, Dwight Diehl, K. Nevilles, S. Burgess, Stacy Gunn, Jason Heffernan, and T. Monhollen denial to let Plaintiff Potter make private unmonitored legal calls when the defendants forced Mr. Potter to use the recorded collect call phones in the day room that is around other inmates in a public setting that are subject to recording and monitoring breaks the rules of the attorney client privilege. the defendants violated Plaintiff Potters right to due process under the Fourteenth Amendment to the United States Constitution by depriving him of his vested liberty interest in personal privacy and right to confidentiality of the contents of legal conversation, as well as unrestricted and confidential access to the courts promised in the inmate rule handbook. This illegal action of terminating Mr. Potters legal calls is causing injury to Mr. Potters rights under the equal protection clause of the Fourteenth Amendment to the United States Constitution.

204

On November 5, 2016 when the defendants Stacy Gunn and Jason Heffernan unlawfully searched and seized items in Plaintiff Potters cell living area without any probable cause to believe there was contraband and the fact no illegal contraband was found or inventoried and while defendants Stacy Gunn and Jason Heffernan left Mr. Potters living area or cell in a dissary and chaos while not inventoring personal property seized and given away to other inmate trustee, such as clothes, lawbooks, and two daily breads that had personal address and phone numbers on them, the defendants Stacy Gunn and Jason Heffernan are violating Mr. Potters right to be secure in his persons, houses, papers and effects against unreasonable searches and seizures in violation of Mr. Potters rights under the Fourth Amendment to the United States Constitution. This ~~depr~~ deprivation of personal property has caused injury to Mr. Potters due process, and access to the courts in violation of the First Fifth and Fourteenth Amendments to the U.S. Constitution

205. On November 5 2016 when the defendants Stacy Gunn and Jason Heffernan seized and threw away Plaintiff Potters two legal books called "The Bill of Rights and the Constitutional Amendments" and "Cohen and Olson's Legal Research in a Nutshell", and the fact these two legal law books were deprived from Plaintiff Potter without a due process hearing set out in policy Article 6 Sec. 2, this was in violation of Mr. Potters rights of due process under the Fifth and Fourteenth Amendments to the United States Constitution. These illegal actions caused injury to Plaintiff Potters right of access to the courts under the First, Fifth, and Fourteenth Amendments to the United States Constitution.

206. On November 5, 2016 when defendant Stacy Gunn threw away two "Daily Bread" religious books that were approved through Mr. Potters incoming mail by other jail officials, this deprivation of personal property violated Plaintiff Potters due process under the Fifth and



Fourteenth Amendments to the United States Constitution. These illegal actions caused injury to Plaintiff Potters rights under the Free Exercise Clause of the First Amendment to the United States Constitution.

207. By not following incoming mail procedures and not notifying Plaintiff Potter when his Daily Bread religious booklets are rejected through incoming mail the defendant Stacy Gunn is violating Plaintiff Potters due process of the right to be notified. These illegal actions are causing injury to Plaintiff Potters rights under the Free Exercise Clause of the First Amendment to the United States Constitution.

208. Defendant K. Nevilles, S. Burgess, Stacy Gunn Jason Heffernan, and T. Monhollen show of preferential treatment to inmate Timothy Kidd #535629 for turning a Declaration into jail officials that were to go to the A.C.L.U. Kansas City Star, and Fox 4 Problem Solvers and the fact this Declaration was

intercepted and prevented from going out this caused injury to Plaintiff Potters Free Expression of Political Beliefs of the First Amendment to the United States Constitution

209. Defendants K. Nevilles, S. Burgess, Jason Heffernan, Stacy Gunn, and T. Monhollen illegal misconduct to show inmate Timothy Kidd M.D.O.C number 535629 preferential treatment for privileges and favors he does not qualify for such as the work program, and benefits of the work program, with the fact Timothy Kidd does not qualify for because of his violent criminal record, the defendants are treating Mr. Potter differently by denying him the trustee inmate work program, in violation of Plaintiff Potters rights under the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

210. Defendants K. Nevilles, S. Burgess, Jason Heffernan, Stacy Gunn, and T. Monhollen denial to let Plaintiff Potter work a trustee position because of his charge of 2nd degree Domestic Assault and then to let other inmates with the same charge or more severe violent charges work a trustee position, the defendants are discriminating and retaliating against Plaintiff Potter for seeking redress of his grievances, complaints, and for trying to use the courts and political pressure. This is in violation of Plaintiff Potters right to ~~be~~ be free from discrimination under the Fourteenth Amendment to the United States Constitution. The defendants are retaliating against Plaintiff Potter unlawfully in violation of Plaintiff Potters rights under the First Amendment to the United States Constitution causing injury to his First Amendment rights.



211. Defendant K. Nevilles and S. Burgess order to put a hold on Plaintiff Potters mail on months from Oct. 2016 to December 2016 for exercise of his right to seek redress for his complaints and grievances by use of the courts, ACLU involvement, and political pressure and the illegal action to put a hold on Plaintiff Potters mail without any due process or notification when mail is rejected, the defendants K. Nevilles and S. Burgess are in violation of Plaintiff Potters First Amendment rights to send and receive letters and free expression of political beliefs. The defendants are also violating Plaintiff Potters due process, the right to be notified when mail is rejected in violation of Mr. Potters rights under the Fourteenth Amendment to the United States Constitution. This is causing injury to Plaintiff Potters right of access to the courts under the First, Fifth, and Fourteenth Amendments to the United States Constitution.

212. Defendants K. Nevilles, S. Burgess, Jason Heffernan, Stacy Gunn, and T. Monhollen illegal misconduct and continuation of not following procedures to censor mail, not notifying both Plaintiff Potter and the sender when they reject mail, and not giving both Plaintiff Potter and the sender the chance to challenge the censorship, the defendants are violating Plaintiff Potters First, Fifth, and Fourteenth Amendments to the United States Constitution.

213. Defendants K. Nevilles, S. Burgess, Jason Heffernan, Stacy Gunn, and T. Monhollen illegal misconduct of not following special rules of procedure when they censored Plaintiff Potters privileged mail from the Citizens Commission on Human Rights, The Sovereign Health Care, Center for Constitutional Rights and the National Lawyers Guild, the defendants are violating Mr. Potters rights of access to the Courts, as well as the attorney-client privilege, in violation of Plaintiff Potters rights under the First, Fifth, Sixth, and Fourteenth Amendments to the United States Constitution.

214. Defendant Stacy Gunn continuation of opening up Plaintiff Potters legal mail without him being present, and after she was requested multiple times to open up legal mail in his presence, these illegal action are violating Plaintiff Potters right to have unrestricted and confidential access to the courts as well as the attorney-client privilege in violation of Plaintiff Potters First, Fifth, Sixth, and Fourteenth Amendments to the United States Constitution.

215. By deducting money from Plaintiff Potters inmate bank account for the cost of medical attention and medicine without first Plaintiff Potters plea of guilt or finding of guilt and then a court order having criminal jurisdiction to satisfy such expenses, the defendants County of Cass, Jeff Weber, Dwight Diehl, K. Nevilles, S. Burgess, Kim Otter, and Advanced Correctional Health are illegally deducting money, amounting to wrongful appropriation of money, and mismanagement for non-compliance with federal state,



and local laws in violation of  
RSMO 221.070 and RSMO. 221.120

216. By illegally deducting money from Plaintiff Potters inmate bank account leaving a negative balance for the cost of medical attention and medicine without first Plaintiff Potters plea of guilt and then the court order having criminal jurisdiction to satisfy such expenses that is in accordance with RSMO 221.120 and RSMO 221.070, the defendants County of Cass, Jeff Weber, Dwight Diehl, K. Nevilles, S. Burgess, Kim Otter, and Advanced Correctional Healthcare are violating Plaintiff Potters due process under the Fifth and Fourteenth Amendments to the United States Constitution. These illegal actions are causing actual injury to Plaintiff Potters right of access to the courts and the right to proceed prose. Plaintiff Potter is forced to choose between two Constitutional rights of purchasing medical attention or to purchase legal material, copys, stamps to file legal documents violating Plaintiff Potters First, Fifth, Sixth, and Fourteenth Amendments to the United States Constitution.

217

By not providing adequate medical care and for deliberately causing unwanted delay to provide medical care the defendants Jeff Weber, Dwight Diehl, Advanced Correctional Health, Kim Otter, S. Burgess, and K. Nevilles are showing a deliberate indifference to Plaintiff Potters serious medical needs and Chronic Healthcare condition violating Plaintiff Potters rights under the Due Process Clause of the Fifth and Fourteenth Amendments to the United States Constitution.

218.

Defendants Kim Otter, Jeff Weber, and K. Nevilles, refusal and denial to get medical records of Plaintiff Potters Chronic Health Care condition from the Missouri Dept. of Corrections the defendants are ignoring and showing deliberate indifference to Plaintiff Potters serious medical needs that require check ups and follow ups violating Plaintiff Potters rights under the Due Process Clause of the Fifth and Fourteenth Amendments to the United States Constitution.

219

Defendant Kim Otter denial of Plaintiff Potters numerous request forms for blood test and labwork the defendant Kim Otter is ignoring and showing deliberate indifference to Plaintiff Potters serious Chronic Healthcare Conditions that require check ups and follow ups every six months violating Plaintiff Potters rights under the Due Process Clause of the Fifth and Fourteenth Amendments to the United States Constitution.

220. To deny Plaintiff Potter blood test, labwork, medicine, Chronic Healthcare treatment and to not cover the cost of the medicine and medical attention, the defendants Jeff Weber, Kim Otter Dwight Diehl, ~~and~~ County of Cass, and Advanced Correctional Health are treating Plaintiff Potter differently than a similarly situated inmate by the name of Edward who he also had Chronic Health Care Condition and he was not denied treatment and not charged money This is violating Plaintiff Potters



rights under the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

221. By threatening Plaintiff Potter not to use the grievance system because defendant Stacy Gunn said her Sergeant said it will be all bad for Plaintiff Potter if he keeps persueing the issue with legal calls, and by preventing Mr. Potter from exercise his rights to all "protected conduct", and for placeing Mr. Potter in disciplinary segregation as a form of punishment for having stamps, envelopes, legal material, and hygene material that is essential for bathing and doing legal work all "protected conduct", on March 7, 2016 and November 2016 the defendants Stacy Gunn, Jason Heffernan, S. Burgess and T. Monhollen are retaliating against Plaintiff Potter unlawfully in violation of Plaintiff Potters rights under the First, Fifth, and Fourteenth Amendments to the United States Constitution. These illegal actions are causing injury to Plaintiff Potters right of access to the courts.

222. By the defendants Jeff Weber, Kim Otter, Dwight Diehl, K. Nevilles, S. Burgess, Stacy Gunn, Jason Heffernan, and T. Monhollen show of deliberate indifference and negligence by not providing process to grievances, use of threats that they will punish Plaintiff Potter for using the grievance system, by not providing hand written copys of grievance responses, by sometimes answering grievances over the loud speaker, not in private, in front of other inmates, and for having the grievance complaints get answered by the same exact officer that the grievance complaints are on, the defendants are creating a conflict of interest, bias, and prejudice grievance procedure violating Plaintiff Potters First Amendment to the United States Constitution, as well as Plaintiff Potters Due Process and Equal Protection ~~Clams~~ of the Fifth and Fourteenth Amendments to the United States Constitution.

223. By not providing process to grievances that plaintiff Potter submitted to Jeff Weber, K. Nevilles, and S. Burgess the defendants are obstructing a grievance procedure causing unnecessary delay in violation of Plaintiff Potters rights under the First Amendment to the United States Constitution as well as the Mandela Rules on "Information to and Complaints by prisoners." These actions are causing delay and injury to Plaintiff Potters right of access to the courts under the First, Fifth, and Fourteenth Amendments to the United States Constitution.

224. Defendant Stephen Valentich used excessive force by repeatedly having his K9 dog Champ bite Plaintiff Potter numerous times while Plaintiff was on the ground, compliant, and surrendered. These illegal actions constituted unreasonable and excessive use of force in violation of Plaintiff Potters rights under the Fourth Amendment to the United States Constitution causing severe physical injury, pain, suffering, and emotional distress.



225. By allowing K9 Champ as an officer to work in the Cass County Jurisdiction when they are aware K9 Champ has had medical surgery of new titanium teeth and upper jaw that are a set of deadly weapons that cause more severe physical injury, pain, suffering, and scar tissue than a normal set of K9 teeth, the defendants Jeff Weber, Dwight Diehl, Dave Rodgers, Stephen Valentich, and County of Cass used deadly and unreasonable excessive use of force against Plaintiff Potter causing severe injury physical pain, injury, mental and emotional distress as well as cruel and unusual punishment, in violation of Plaintiff Potters rights under the Fourth, Fifth, Eighth, and Fourteenth Amendments to the United States Constitution.

226. By not processing handwritten grievances and verbal complaints related to the illegal misconduct by Deputy Stephen Valentich use of excessive force and failing to investigate and correct that illegal misconduct

the defendants Jeff Weber, Dwight Diehl County of Cass, Justin Claibourn, H.D. Rodgers Jennifer wise, K. Nevilles, Jason Heffernan and S. Burgess are encouraging the continuation of Deputy Stephen Valentich illegal misconduct violating Plaintiff Potters First, Fourth, Fifth, and Fourteenth Amendments to the United States Constitution. This is also causing injury to Plaintiff Potters due process and equal protection of the laws.

227. Defendants Jeff Weber, Dwight Diehl County of Cass, Kim Otter, S. Burgess, Advanced Correctional Health, Stephen Valentich, and K. Nevilles violated RSMO 221.120 that is in accordance with RSMO 221.070 by not covering the cost of medical attention at the Cass Regional Medical Center while Plaintiff Potter was in police custody of the Cass County Sheriffs Office, this caused injury to Plaintiff Potters credit score that effects Mr. Potter day to day living and to get financial credit from Potters in violation of

Plaintiff Potters due process under the Fifth and Fourteenth Amendments to the United States Constitution.

228. By subjecting Plaintiff Potter to extra restrictive inhumane conditions of confinement for the 816 days Mr. Potter set incarcerated as a pretrial detainee, without opportunities for adequate exercise, deprived of outdoor exercise, no adequate space for exercise, No access at all to an indoor gym, No sunlight, painted over windows that block sunlight, No TV, No Newspapers or source of news, poor air quality and filter system with much dust, No fresh air and sunlight, illumination or other sensory deprivation, and locked down in a cell 17-23 hours a day, with the fact Sgt. S. Burgess told Deputy Skeens to not be nice to inmates because pretrial detainees are suppose to be punished, this all added up to create an overall effect that is unconstitutional and jail conditions amounted to punishment the defendants Jeff Weber, S. Burgess,



Dwight Diehl, K. Nevilles, Jason Heffernan, Stacy Gunn, County of Cass, and T. Monhollen are violating Plaintiff Potters right to be free from cruel and unusual punishment as well as the right not to be punished until proven guilty in violation of Plaintiff Potters Due Process Clause under the Fifth and Fourteenth Amendments to the United States Constitution. These inhumane conditions of confinement have caused injury to Plaintiff Potters physical and mental health and making it worse. These very long periods of time in a state of punishment and harrasment under unhealthy stressfull conditions caused Mr. Potters plea of guilt for case number 15CA-CR00638-01 to be induced by fraud, apprehension duress, physical coercion, and mental coercion in violation of Plaintiff Potters right against excessive bail and deprivation of life, and liberty without due process of law under the Fifth, Fifth and Fourteenth Amendments to the United States Constitution.

229. Defendants Jennifer Wise and Deputy Hendricks violated Plaintiff Potters right to due process under the Fourteenth Amendment to the United States Constitution by depriving him of his vested liberty interest to have personal privacy to his legal copys and to have the right to Unrestricted and confidential access to the courts per policy Exhibit A page 18 Article 6 section 2(3) when they read Plaintiff Potters legal mail while they were making legal copys on February 2017 of ~~the~~ Plaintiff Potter Civil Rights Complaint. These actions caused injury to Plaintiff Potters right to act pro se and right of access to the courts because the defendants Jennifer Wise, Deputy Hendricks, and all jail officials stoped Mr. Potter from making any more legal copys preventing Plaintiff Potter from timely filing his Civil Rights Complaint Under 42 USC 1983 in violation of Mr. Potters rights under the First, Fifth, Sixth, and Fourteenth Amendment to the U.S. Constitution

230. By witnessing and being informed of the defendants S. Burgess, Jason Heffernan, Stacy Gunn, T. Monhollen, and Kim Otters illegal actions, failing to correct that misconduct and encouraging the continuation of the misconduct the defendants Jeff Weber and K. Nevilles are violating Plaintiff Potter's rights under the Due Process Clause of the Fifth and Fourteenth Amendments to the United States Constitution, causing Plaintiff Potter to unlawfully be retaliated against creating emotional distress.

231. Plaintiff Potter has no plain, adequate or complete remedy at law to redress the wrongs described herein. Plaintiff has been and will continue to be irreparably injured by the conduct of the defendants unless this court grants the declaratory and injunctive relief which plaintiff seeks.



## PRAYER FOR RELIEF

WHEREFORE, plaintiff respectfully prays that this court enter judgement:

232. Granting Plaintiff Potter a declaration that the acts and omissions described herein violate his rights under the Constitution and laws of the United States, and

233. A preliminary and permanent injunction, and

Granting Plaintiff Potter compensatory damages in the amount of \$33,000 against each defendant equaling a total of \$495,000

244. Granting Plaintiff Potter punitive damages in the amount of \$33,000 against each defendant equaling a total of \$495,000

245. Plaintiff Potter seeks a jury trial on all issues triable by a jury

246. Plaintiff Potter also seeks recovery of his cost in this suit, and

247. Any additional relief this court deems just, proper, and equitable

Dated : January 7, 2019

Respectfully Submitted,  
Jason Potter #1053284  
W.R.D. C.C.

3401 Faraon Street  
St. Joseph, Mo. 64506

# VERIFICATION

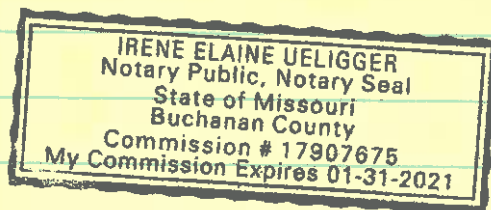
I have read the foregoing complaint and hereby verify that the matters alleged therein are true, except as to matters alleged on information and belief, and, as to those, I believe them to be true. I certify under penalty of perjury that the foregoing is true and correct.

Executed at St. Joseph, Missouri  
on January, 7, 2019.

Jason M. Potter *Jason Potter*  
Jason M. Potter

Subscribed & attested before me this 25th day of January 2019

*Irene Elaine Ueligger*  
Notary





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PRESS FIRMLY TO SEAL

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\* Domestic only

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CUSTOMS DECLARATION  
FORM MAY BE REQUIRED.

RECEIVED BY  
U.S. MARSHAL

FROM: Jason Potter #1053284-HU#6  
Western Reception Diagnostic  
and Correctional Center  
3401 Faraon Street  
St. Joseph, MO. 64506

TO:  
UNITED STATES DISTRICT COURT  
OFFICE OF THE CLERK  
1510 Whitaker Courthouse  
400 E. Ninth Street  
Kansas City, MO. 64106



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